

THE TREATMENT AND REHABILITATION OF
DELINQUENT WOMEN

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PREFACE

During the past hundred years the growing interest in penal reform throughout the world has produced an ever-increasing number of books on prisoners and on prisons. In many of these women are not mentioned at all; and few show any interest in the historical development of women's prisons, nor any realisation that the problems faced by women in prison are not the same as those faced by men. Until 1930, only the reminiscences of a 'Prison Matron' in 1862, of Lady Constance Lytton in 1914, and of Dr. Mary Gordon in 1922, gave first-hand information on conditions for women prisoners in England and Wales. Even since that date only three women have written fully about life in women's prisons - Joan Henry, from the view of a prisoner, Cicely McCall, as a prison officer, and Mary Size, as a prison Governor. Of these, Miss Size's book is by far the most reliable source of information. It has not been possible to discover any books on women's prisons in Scotland.

It seemed, therefore, that a book describing the development of women's prisons in Britain would fill a gap; and that to see the modern developments in perspective it was essential that they should be set against the background of punishment for women in the past. The history starts, therefore, with the treatment of women offenders in primitive times, and under certain Codes of law which governed the Ancient World. The gradual development of punishment for delinquent women is traced in Europe, through the Dark and Middle Ages, until the beginning of the nineteenth century. From 1800 - 1958 the history is confined to Britain, and the last chapters deal as fully

Chapter 1

THE PUNISHMENT OF WOMEN IN PRIMITIVE COMMUNITIES AND UNDER THE ANCIENT CODES

Primitive Law

No study of primitive law can be confined merely to the laws and customs which prevailed in ancient times. As Diamond wrote in 1935,¹ 'the history of law is forever repeating itself, and the same stages that were reached many thousands of years ago in the East are being reached and passed in parts of the modern world.' Laws and customs evolved by most primitive societies, past and present, have, however, one characteristic in common. They are made by men. If women offend against the social code, male standards and male interests determine what punishments they shall undergo. Variations between the treatment of women and that of male offenders - variations ranging from relative leniency to extreme severity and cruelty - are due, not to any objective consideration of women's responsibilities, problems or frailties, but to the roles allocated to them in a man-made society.

In many primitive communities dependence on the goodwill of 'the gods', and fear of offending them, resulted in a harsh system of punishment which did not discriminate as to the sex or the intentions of a law-breaker. The gods must be appeased immediately, whether the culprits were men or women, and whether they had broken the law through evil intention or by accident. They were liquidated from the community, with few, if any, formalities of trial. For minor

1. A.S. Diamond - Primitive Law; London; 1935, p. 1.

offences the punishment might be exile; more frequently they were put to death without delay.

Although there was no machinery to investigate, nor any desire to investigate, the intentions of offenders, the crimes treated with particular severity in primitive communities - those of witchcraft and incest - were crimes which could rarely be committed accidentally. For witchcraft the punishment was almost invariably death. Methods of execution varied from stoning, as among the Chiga¹ tribe in East Africa, to burying the suspected witch alive in a swamp, which was the custom among the Kalabari² in West Africa. In many tribes, such as the Kaffirs,³ fear of witches was so great that execution might be carried out on mere suspicion; but it was sometimes possible for a suspected witch to prove innocence by undergoing an ordeal. The Ekoi of the Cameroons⁴ forced those suspected of witchcraft to drink a potion made from poisonous wild beans. The result of such an ordeal depended on the intentions of those administering the drink, who might - by varying the dose - make its results either fatal or merely uncomfortable.

In primitive communities women frequently owed special duties towards the gods, and could expect no mercy when they broke the strict rules associated with these duties. In Peru,⁵ if one of the Priestesses of the Sun betrayed even the mildest sexual interest in

1. M.M. Edel - The Chiga of W. Uganda; New York; 1957, p. 20.

2. P. Amaury Talbot - Tribes of the Niger Delta; London; 1932, p. 109.

3. Diamond, p. 288.

4. R.H. Lowie - Primitive Religion; New York; 1948, p. 36.

5. W.H. Prescott - The Conquest of Peru; London; 1878, I, p. 53.
A woman who killed her husband, in ancient Peru, was hanged by the feet until she was dead - S.F. Moore - Power and Property in Inca Peru; New York; 1958.

an ordinary mortal - other than the Inca - she was buried alive. The offence which the majority of primitive communities considered as the most serious breach of sexual customs and laws was, however, that of incest. It was usually punished by death, and until quite recent times this was the custom among African tribes in Bechuanaland¹ and in Uganda.² In Borneo³ the offenders were impaled, or confined in a strong wicker cage and cast into the river.

Capital punishment was also the penalty for adultery in many primitive societies. In ancient Mexico, a woman convicted of adultery was generally stoned to death,⁴ unless she was the wife of the King. King Nazahulapilli,⁵ having discovered his wife's adultery, caused her to be garotted, and her body burnt, and at the same time had some two thousand of his subjects garotted, those whom he suspected of being accessories to his wife's crimes. Certain Mexican cities seem to have had their particular customs. If the adulteress lived in Quaxolitlan,⁶ she was eaten; if in Ichoatlan,⁷ she was torn in pieces. In ancient Egypt,⁸ under the earlier Dynasties, an adulteress of noble birth was punished by death. Later this penalty was reduced to one of mutilation, by cutting off her nose,

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1. I. Shapera - Handbook of Tswana Law and Custom; London; 1955, p. 127.
 2. Edel, p. 113.
 3. C. Hose - Natural Man; London; 1926, p. 257.
 4. Clavigero's History of Mexico, trans. C. Cullen; London; 1787, Vol. I, p. 356; Prescott - Conquest of Mexico; London; 1843, Vol. I, p. 32.
 5. Prescott - Mexico, Vol. III, Appendix, p. 384.
 6. H. Oppenheimer - The Rationale of Punishment; London; 1913, p. 119.
 7. Clavigero, p. 356.
 8. J. Kenrick - Ancient Egypt under the Pharaohs; London; 1850, Vol. II, p. 54.

and so destroying her sexual attraction.

Such drastic penalties for offences, whether religious or sexual, are not, however, typical of all primitive communities. Incest is still, in theory, 'taboo' in many Pacific islands, but Malinowski¹ found that in practice the natives of Melanesia remained remarkably unconcerned by incestuous unions, provided that no scandal was caused, and had invented their own effective magic to undo any ill-effects of such actions. Shame and ridicule were the punishment for incest among the Comanche Indians.² Malinowski observed a similar punishment for theft in Melanesia,³ fear of which kept this crime to a minimum. Adultery among the aborigines in Australia⁴ caused no social ostracism, and aroused little indignation. The dispute was settled publicly, any new arrangement made being accepted without resentment. The aborigines, however, condemned promiscuity, as distinct from occasional acts of infidelity. In Polynesia, Margaret Mead⁵ found that problems arising out of adulterous relations were dealt with by the families involved, rather than by the community. Adultery was also on many occasions punished by a monetary penalty, as among the Barotse⁶ in Africa. In this tribe, the offending man paid his fine to the woman's husband, but the woman paid her fine to the community,⁷ so that there should be no possibility of collusion

1. B. Malinowski - *Crime and Custom in Savage Society*; London; 1926, p. 79.

2. E. A. Hoebel - *The Comanches*; Oklahoma; 1952, p. 240.

3. Malinowski, p. 118.

4. P. Karberry - *Aboriginal Woman*; London; 1939, p. 151.

5. M. Mead - *Sex and Temperament*; London; 1935, pp. 131-2.

6. M. Gluckman - *The Barotse of N. Rhodesia*; Manchester; 1955, p. 217.

7. *Ibid*, p. 199.

between husband and wife, for the purpose of her prostitution. When sexual offences were an affair of the family unit - as was frequently the case in primitive communities - even when severe penalties were laid down, they were often avoided in practice.¹

Principles and customs of law in primitive communities gradually develop and adapt themselves to changing conditions. Eventually more efficient methods of dealing with specific offences become necessary, and interest grows, both in classification of crimes, and in the means of ensuring that truth should be discovered and justice done. The sex of the offender is increasingly taken into account in criminal proceedings. The great systems of laws which governed the ancient world considered the position of women before the law with particular care. Examples of their special treatment may be found in the Codes of the Babylonians, the Assyrians, the Hebrews and the Romans.

The Code of Hammurabi

The Code of Hammurabi (circ. 1914 B.C.) contains many references to the special position of women before the law. In ancient Babylon a woman possessed a considerable degree of independence. She had certain rights over property, and could appear as a pursuer or witness in the law-courts.² The keeping of inns was largely in the hands of women - sometimes of female slaves³ - and a number of articles in the Code refer to crimes which might be committed by a woman in her capacity of inn-keeper. If she harboured seditious persons, she was

1. Edel, p. 113.

2. S.A. Cook - The Laws of Moses and the Code of Hammurabi; London; 1903, p. 72.

3. Ibid, p. 150.

put to death;¹ if she sold by the 'great weight' and served short measure, she was drowned.²

A woman merely suspected of adultery could take an oath of innocence and return to her house;³ but if she was caught in the act, she was bound to the man and thrown with him into the water, unless 'the husband of the woman would save his wife, or if the king would save his male servant.'⁴ She was also drowned if she repudiated her husband by saying 'thou shalt not have me,' except when she could prove that he had neglected her.⁵ If, however, 'she have not been a careful mistress, have gadded about, have neglected her house and have belittled her husband,' there was no hope for her. Drowning was the capital penalty most frequently used in Babylon. Since Babylonia was a land of rivers, it was the simplest of punishments, as was stoning in the rocky country of Palestine.

If she had been left well provided for, a wife who committed bigamy while her husband was in captivity was condemned to death.⁶ Women proved to have been accessories before the fact to the murder of their husbands were impaled;⁷ and the penalty laid down for a woman convicted of incest with her son was to be burnt alive.⁸ A priestess who opened a tavern, or who even entered a wine-shop to drink, was also burnt alive.⁹ Such severe treatment might seem to

1. Code of Hammurabi, art. 109. Trans. of Articles by R.H. Harper -
The Code of Hammurabi; London; 1904.

2. Art. 108.

3. Art. 131.

4. Art. 129.

5. Arts. 142, 143.

6. Art. 133.

7. Art. 153.

8. Art. 157.

9. Art. 110.

have its counterpart in ancient Mexico, where priests, noblemen, youths and women were sentenced to death for a single lapse from sobriety.¹ For a priestess to enter a wine-shop in ancient Bablyon seems, however, to have been the equivalent of her entering a brothel.²

The Code laid down that ordeals should be used in only two cases, and in both the ordeal was to be by water.³ In cases of alleged sorcery,⁴ or where a wife was suspected of unchastity,⁵ she was forced to plunge into a river, and her innocence was decided by the river-god. If he overpowered her, and she sank, she was guilty; if she floated, she was innocent. This procedure was generally reversed in later times, on the theory that the god only received the innocent, so that those who floated upon the water were guilty.

Mutilation was part of the law of Babylon. A woman who, after the death of the child to whom she was acting as foster-nurse, procured another child to nurse, without its parents having full knowledge of her past history, was condemned to have her breasts cut off.⁶ She was presumed to be imperilling the life of the second child by not revealing that she had lost the first.⁷ Branding is also mentioned, as the punishment to be inflicted on a handmaid who attempted to set herself on a state of equality with her mistress.⁸

1. Oppenheimer, pp. 119-120.

2. G.R. Driver and J.C. Miles - The Babylonian Laws; Oxford; 1952, Vol. I, p. 320.

3. See generally Cook, pp. 64-5.

4. Art. 2.

5. Art. 132.

6. Art. 194.

7. Driver and Miles, p. 406.

8. Art. 146.

The Assyrian Code

Among fragments of a Code - dating from about 1500 B.C. - which was discovered at Assur and published in 1920, were a collection of clauses forming a Code of Law for Women. The punishments for criminal offences laid down by this Code were often of great cruelty, and the Assyrians seem to have made considerable use of capital punishment.

Clause 41 of the Women's Code¹ prohibited the wearing of veils in the streets by common prostitutes. It imposed a duty on any man who saw a prostitute veiled to seize her and bring her to the palace gate, whereupon 'she shall be beaten with 50 strokes of the rod, asphalt shall be poured on her head.' A woman who had procured her own abortion was condemned to be impaled;² and it has been suggested that a form of penalty similar to crucifixion may have been entailed in this punishment.³ Diamond translates the clause,⁴ 'If a woman of her own accord causes to fall what her womb holds, she shall be tried, convicted and impaled upon a stake, and shall not be buried. If she died in committing abortion upon herself, she shall be impaled upon a stake, she shall not be buried.' A man or woman convicted of witchcraft was also sentenced to death.⁵ The Code made it an offence for a witness to fail to report such acts.

Under the Assyrian Code considerable powers of punishment were given to husbands. For many offences, such as adultery or theft, a

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1. Diamond, pp. 36-7.
 2. Clause 54.
 3. Driver and Miles, p. 496, note.
 4. Diamond, p. 40, note 3.
 5. Ibid, p. 289. Clause 48.

husband might mutilate his wife, or put her to death.¹ The Code laid down, however, that if the wife had conspired with another man to injure her husband, the husband was not permitted to punish the man more severely than he punished his wife.² If he acquitted his wife, the man accused with her must also be set free.

The Women's Code also prescribed the use of ordeals in situations where no evidence was available except that of the suspected man or woman. If there was no witness for or against a woman charged with adultery, she was to submit to ordeal by river, to determine her guilt or innocence.³

The Hebrew Legal System

The regulations of the ancient Hebrews regarding punishment were in many ways little less severe than those of Babylon and Assyria. By introducing the lex talionis, however, they recognised degrees of guilt - a considerable advance on primitive systems of indiscriminate punishment. The penalty was an eye, but only an eye, for an eye; a tooth, but only a tooth, for a tooth.

The Scriptures prescribed four methods of capital punishment - stoning, burning, slaying by the sword, and choking.⁴ Stoning to death was the usual penalty for adultery;⁵ and for a wife proved to have been unchaste before her marriage.⁶ Women were not usually

1. Ibid, p. 37.

2. Ibid, p. 38. Clauses 3, 4, 15 and 16.

3. Ibid, p. 361. Clause 17.

4. M.D. Rodkinson - The Babylonian Talmud; Boston; 1903, Vol. 8, p. 149; but see D. Daube - Origins and the Punishment of Adultery in Jewish Law - Studia Patristica; 1957, II, 109.

5. Ezekiel, xvi. 38-40; Leviticus, xx. 10.

6. Deuteronomy, xxii. 21.

stripped naked when stoned, as seems to have been the custom with men.¹ Originally stoning was carried out in a simple manner,² all the assembled company throwing their stones at the woman, until she died. At a later period, however, the stoning was conducted with great formality.³ The victim was precipitated by the hand of the 'first witness', so that she fell on her back upon rock. If the fall did not kill her, a second witness took a heavy stone, and thrust it against her heart. Only if she survived this second blow did the assembled company throw their stones.

The punishment for adultery later became strangulation.⁴ In practice, however, Hebrew law required such exact proof of guilt that women were seldom convicted of this offence. A husband who suspected his wife of unchastity, was, however, given considerably greater power to cast her off than in earlier times.⁵ It has been said that strangulation was the most general form of capital punishment, wherever another form was not expressly stated.⁶ For capital offences such as blasphemy,⁷ bestiality,⁸ and enticement to idolatry,⁹ however, stoning is definitely mentioned as the penalty. Stoning, rather than strangulation, may also have been the penalty for women who committed murder, if the analogy of the Book of Ezekiel is correct. Comparing the sins of the Hebrew nation with those of womankind, the

1. Rodkinson, Vol. 8, p. 136; but cf. Ezekiel, xvi. 38-40.

2. For reasons for these changes to capital penalties which did not involve mutilation of the skeleton see Daube, pp. 109-110.

3. Rodkinson, *ibid.*

4. Cook, p. 107.

5. *Ibid.*, p. 109.

6. *Ibid.*, p. 107, note.

7. Leviticus, xxiv. 16.

8. Exodus, xxii. 19; Rodkinson, Vol. 8, p. 161.

9. Deut. xiii. 6-10.

prophet wrote,¹ 'And I will judge thee, as women that break wedlock and shed blood are judged...they shall strip thee also of thy clothes, and shall take thy fair jewels, and leave thee naked and bare. They shall also bring up a company against thee, and they shall stone thee with stones, and thrust thee through with their swords.'

Under Hebrew law, burning seems to have been exceptional.² The law stated 'thou shalt not suffer a witch to live,' but the penalty for witchcraft was usually stoning.³ Certainly in Leviticus⁴ it is stated that 'the daughter of any priest, if she profane herself by playing the whore, she profaneth her father; she shall be burnt by fire.' The evidence seems to be that in this case the woman was actually surrounded by faggots and burnt,⁵ as for incest, which could be punished in this way.⁶ Eventually forms of burning which caused the destruction of the body fell into disuse,⁷ and 'burning' came to imply the pouring of molten lead down the throat of the offender, after semi-strangulation.⁸

Deuteronomy⁹ records an example of the penalty of mutilation for women, when a woman proved to have committed an indecent assault on a man with whom her husband was fighting was condemned to lose her hand. In Numbers¹⁰ an account is given of an ordeal. A woman accused of unfaithfulness should be given the 'bitter water', charged with the

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1. Ezekiel, xvi. 38-40.
 2. Cook, p. 107.
 3. Exodus, xxii. 18; Rodkinson, Vol. 8, p. 161.
 4. Lev., xxi. 9.
 5. Rodkinson, Vol. 8, p. 156.
 6. Lev., xx. 14.
 7. Daube, pp. 109-110.
 8. Rodkinson, Vol. 8, p. 156.
 9. Deut., xxv. 11-12.
 10. Numbers, v. 11-31.

dust of the tabernacle floor. The water was cursed, so that if she were guilty her thigh would rot and her belly swell. It seems probable that the 'bitterness' implied that the water contained some form of drug.

Scourging could also be inflicted as a punishment upon women - when the daughter of an Israelite had married a bastard, or a descendent of the Gibeonites.¹ As with stoning, the ritual for scourging eventually became elaborate. The number of 'stripes' to be administered seems to have been decided by the physician in attendance. It was generally around forty, or some number which could be divisible by three.² The punishment ceased when the victim collapsed or became incontinent, as it was then felt that there was no need for any further disgrace.³

The Roman Legal System

During much of the earlier Republican period Roman criminal law was notably mild, and offences committed by a woman were dealt with generally by the paterfamilias or her husband, unless she had violated the fundamental religious and social beliefs of the community. If a Vestal Virgin broke her vows,⁴ she was buried alive, and the interment was conducted with considerable ceremony. The convicted woman was carried to her grave with a lamp, a loaf of bread and a pitcher of water, milk and oil. She descended a ladder, which was then pulled up and the opening was sealed.

1. Rodkinson, Vol. 9, p. 35.

2. Ibid, p. 48.

3. Ibid, p. 50.

4. T. Mommsen - Römische Strafrecht; Leipzig; 1899, p. 929, whom see generally; also J.L. Strachan Davidson - Problems of the Roman Criminal Law; Oxford; 1912.

Household discipline over women offenders continued up to Imperial times. The relatives of a woman criminal might also be given power by the state to carry out a sentence, for reasons of 'decency'. Towards the end of the Republican period, with the decline of morals and family authority, new laws and procedures were developed, and penalties became more severe. Imperial legislation was often capricious and cruel, introducing punishments for acts which had not formerly been regarded as criminal. The law as ultimately expressed in Justinian's Code was, however, more humane and orderly in its dealings with men and women than anything which Europe was to see for centuries to come.

Constantine decreed that when women were imprisoned they were to be kept separately from men.¹ The earlier practice certainly seems to have been that women, as well as men were imprisoned; but Justinian decided that women should not usually be lodged in prison at all.² For lesser offences they should be handed over to other women for safe keeping. Imprisonment was not for the purpose of punishment, but of detention.³ The Code stressed that such detention while awaiting trial must on no account degenerate into punishment, which would happen if prisoners were treated by their guards 'in an ungentle and inhuman manner, or are cheated of food, or are wasted by too confined or filthy custody in a loathsome place, and as it were destroyed by prison.'⁴

For some offences the 'frailty of sex' reduced the penalty,

1. Codex IX. 4. 3.

2. Ibid; Novellae, 134.

3. 'Carcer ad continendos homines non ad puniendos haberi debet,' - Codex IX. 3. 2; Digest XLVIII. 19. 8. 9. 10.

4. Voet's Commentary on the Pandects, ed. P. Gane; Durban; 1957, VII, 334; Codex IX. 4. 1.

provided that 'frailty' had contributed to the crime.¹ In early Roman law adultery was dealt with privately by the husband or father, and in the time of Augustus,² when committed by civilians, it was punished by banishment. By the time of Constantine, however, the sentence for adultery was death.³ Justinian kept the death penalty for men convicted of adultery, but decreed that women should merely be whipped and sent away to a convent⁴ - with the provision that their husbands, if so inclined, might take them back within two years. Those whose husbands were either not so inclined, or who had died during the two years, had their heads shaved and were forced to assume a religious habit and remain in the convent. Women were also sent into exile for incest⁵ or for harbouring brigands,⁶ instead of being condemned to death.

Women could be sent to hard labour in the mines, or - more usually - to assist those who were serving sentences in the mines. In both these cases they could claim exemption by birth.⁷ When the law decreed specific penalties for women, they were, in fact, often far from humane. A nurse, who had been entrusted with the care of a girl and either forced her into prostitution or encouraged her to prostitute herself, was condemned by Constantine to have molten lead poured down her throat.⁸ On the whole, however, provisions of Roman

1. Voet, VII, 509.

2. Lex Julia de adulteriis.

3. Voet, VII, 389.

4. Ibid; Nov. 134. 10. 1.

5. Codex V. 5. 6; Voet, VII, 401.

6. Dig. XLVIII. 5. 40 (39). 4; Voet, VII, 281.

7. Codex IX. 47. 9; Dig. XLVIII. 19. 8 (8).

8. Theodosian Code, 'On Ravishing of Virgins and Widows,' 9. 24. 1; Voet, VII, 367; Dig. XLVII. 11. 1.

law applied equally to men and women, unless the contrary was actually expressed.¹ A man or woman convicted of parricide - a crime which included the killing of a husband - was tied up in a sack with a dog, a cock, a viper and a monkey, and 'enclosed with these wild animals and associated with serpents' was thrown 'into the sea, or into a river, according to the nature of the locality.'²

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1. Dig. L. 16. 1; Voet, VII, 509. The punishment of a pregnant woman was delayed until after the birth of her child - Dig. XLVIII. 19. 3.
 2. Codex IX. 17. 1 - transl. S.P. Scott - The Civil Law; Cincinnati; 1932, Vol. XV, p. 31.

Chapter 2

PUNISHMENT DURING THE DARK AND MIDDLE AGES

With the migration of the Germanic tribes towards the West, the influence of Roman law was diminished or extinguished, except round Byzantium. The Teutonic tribes, possessing little property and with no permanent buildings or settlements, had no interest in any but the simplest punishments. Although the idea of personal responsibility had been accepted, a system of vengeance and the belief that punishment - whether carried out by the family or by the state - was divinely ordained, still prevailed.

When, however, vengeance was left to the clan or family of the injured party, it led to a succession of protracted vendettas.¹ Eventually the desire for peace and stability substituted compensation in money or property for the old blood feuds. This compensation was not introduced through humane principles, nor from any strong belief in the value of human life, but through fear for the safety of the community. It brought some differentiation and degree into the treatment of offences. Every aggression had its value - its 'bōt' - according to the rank and dignity - the 'wēr' - of the injured party.

The scales of bōt were worked out in great detail. According to the laws of King Aethelbirht,² in the 7th century, for each of the four front teeth that were knocked out, six shillings should be paid;

1. See generally H.E. Barnes - The Story of Punishment; Boston; 1930, pp. 7, 8; G. Ives - A History of Penal Methods; London; 1914, pp. 2-4.

2. Laws of Aethelbirht, 51. Collected in 'Ancient Laws and Institutes of England'; Public Records; 1840, p. 6.

'for the tooth which stands next to them, IV shillings, for that which stands next to that, III shillings; and then afterwards, for each a shilling.' The laws of King Alfred, in the 9th century, stressed that, when comparing a case of rape of a 'ceorlish' woman with that of a noble woman,¹ the *bōt* should 'increase according to the *wēr*.'

During this period wrongs were still dealt with by reparation rather than punishment. Any punishment there was fell almost entirely on the poor. If one could pay, affairs were settled speedily; it was only when payment could not be made that mutilation, outlawry, slavery and death were produced as alternatives. Apart altogether from fixing compensation or retribution, however, the law at this time was very much concerned with the means by which proof of guilt or innocence might be ascertained. For this purpose three methods were in general use - for women as for men - the ordeal, trial by battle and compurgation.

The Ordeal

An ordeal - of whatever kind - was intended to reveal by miraculous means the truth or falsehood of a claim or accusation. The outcome in most types of ordeal was largely dependent on the favour of the priest who administered it - as it had been in the Hebrew ordeal of the 'bitter water'.² The laws of Aethelstan, in the 10th century, laid down³ 'that no man come within the church after the fire is borne in with which the ordeal shall be heated,

1. Laws of Alfred, 11; A.L. and I., p. 31.

2. Numbers, v. 11-31.

3. Laws of Aethelstan, IV. 7; A.L. and I., p. 96.

except the mass priest, and him who shall go thereto.' As a method of ascertaining truth the ordeal was notoriously unreliable.

Ordeals were widely used by the Anglo-Saxons. Of the various types which involved enduring heat - boiling water or red-hot metal - the one that seems to have been used most frequently for women was for them to walk barefoot over nine red-hot ploughshares.¹ In the 9th century, however, Richardis, the wife of Charles the Fat, was said to have proved her innocence by walking through a fire clad in a waxed shift.² In England, in 1207,³ Marion, wife of Hugh Dobin and suspected of his murder, was ordered to purge herself by the ordeal of iron; as was Maud Wither,⁴ about 1214, who had been arrested on a similar charge. In 1209 a woman purged herself of a charge of sorcery by the ordeal of iron.⁵ The supposed sorcery had resulted in a murder, and it is probable that those administering the ordeal were more concerned with the murder than with the suspicion of sorcery.

During the later middle ages suspected witches were tried mainly by 'swimming' or 'fleeing'. With the right thumb bound to the left toe, and the left thumb to the right toe, they were thrown naked into a river or pond, in which it was thought impossible for a witch to sink.⁶ Instances of witches being ducked in later centuries

1. J. Thrupp - *The Anglo-Saxon Home*; London; 1862, p. 281.
2. J. Grimm- *Deutsche Rechtsalterthümer*; Leipzig; 1922, p. 912.
3. *Select Pleas of the Crown*, ed. F.W. Maitland; Seldon Soc.; London; 1888, pl. 101, p. 55.
4. *Ibid*, pl. 119, pp. 76-7. Maitland (p. 75, note 3) mentions that he was only able to find one instance of failure at an ordeal, and that success seems to have been common.
5. Pollock and Maitland - *History of English Law*, 2nd ed.; Cambridge; 1952, Vol. II, p. 554.
6. Brand's *Popular Antiquities*, ed. H. Ellis; London; 1841, Vol. III, p. 21.

undoubtedly stem from the old custom of ordeal by water. The ordeal lingered on for centuries, and although condemned by the Lateran Council of 1215, it was never abolished in England by statute. It probably ceased to be used after Henry III directed his justices in eyre not to employ it.¹ Some time before the Normans had shown their preference for trial by battle. They generally permitted the use of ordeals only to persons not fitted to fight for themselves, by reason of age, infirmity or sex.²

Trial by Battle

Trial by battle still relied on the supposed intervention of the deity to favour a just cause.³ It stemmed from the Scandanavian-Gothic tribes, and spread to all European countries from the time of its recognition by the Edict of Lyons in A.D. 501. As a means of proving guilt trial by battle continued in use until the 13th century. If a woman were accused, it was usual for a champion to appear on her behalf. When the husband of Gunnhilda, the daughter of King Cnut, accused her of unfaithfulness, she chose to undergo trial by battle, and appointed a dwarf, Mimicon, the keeper of her starlings, to be her champion.⁴ Her husband went to the other extreme and chose a giant named Rodingar to fight on his behalf. The dwarf succeeded in hamstringing and defeating the giant, so proving Gunnhilda's innocence.

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1. By a writ issued in 1219. T. Plucknett - A Concise History of the Common Law; London; 1956, p. 119.
 2. Thrupp, p. 283.
 3. See generally G. Neilson - Trial by Combat; Glasgow; 1890; Encyclopedia Britannica, 14th ed.; London - New York; 1929, Title, 'Duelling'.
 4. William of Malmesbury - History of the Kings of England; trans. J. Sharpe; London; 1815, pp. 239-40 and note; cf. Coutumiers de Normandie; Paris; 1896, ed. Tardif, cap. lxxvi, de sequella mulierum.

Occasionally, however, women did battle on their own behalf. According to Neilson,¹ in mediaeval Germany when the matter in dispute concerned husband and wife, or was a case of breach of promise, 'the battle was done by both parties in person. The man had his left arm tied to his side, in his right hand he held a short baton, and he stood in a tub sunk waist deep in the ground. His fair adversary was armed with a paving-stone sewn up into the purposely lengthened sleeve of the solitary under-garment which she was allowed to wear. She had full liberty to manoeuvre round the tub, and watch for a favourable opportunity to deliver a crushing argument with the paving-stone. As the man's movements were restrained within the limits of his tub, the chances must have been strongly on the virago's side; but an ancient picture of one of these singular encounters represents the woman with her head in the tub and her heels in the air.' In another case, in 1402, a woman who had accused a Franciscan friar of treasonable speeches was expected to do battle herself.² The king's justiciar decided that the friar should fight with one hand tied behind his back, to make the contest more equal. On the advice of friends, however, the lady wisely withdrew her accusation, and the battle never took place.

Compurgation

The other main method of ascertaining guilt was by compurgation. An accused woman could gather together a number of her kinsmen, who were prepared to swear, not to her innocence, but to their belief in

1. Neilson, pp. 8-9.

2. Eulogium Historiarum, ed. F.S. Haydon; London; 1863, Vol. III, p. 389.

her assertions of innocence. Compurgators were, in fact, championing the accused by spiritual weapons, instead of by the material weapons used in trial by battle.

In 1202, a woman in Bedford¹ was accused of selling beer by a false gallon. According to the plea, 'Clarice comes and defends that she sold by a false gallon, nor did she sell by the gallon which he says is hers.... Let her defend herself twelve-handed (i.e. with eleven compurgators) on the (next) coming of the justices. She has waged her law.' The Liber Albus records that, in 1247,² Isolda de Tateshale was alleged to have instigated her maidservant, Inga, and one Roger de Sauser, to burn down a house in Kent. After killing the owner of the house, De Sauser abjured the realm, but Inga was condemned to be burnt for arson. Isolda underwent her trial with thirty-six compurgators, and was successfully acquitted.

In the City of London, at this time, thirty-six compurgators was the usual number appointed for a charge of murder; for mayhem it was reduced to eighteen, while for less violent assaults it was six.³ The system gave ample opportunity for perjury, and was no more reliable than the other methods of ascertaining guilt. With the increase in the power of kingship in Britain, such uncoordinated assessments of damage and innocence gradually gave way to the control of trial procedure by a central authority.

Torture

Public control of criminal procedure and the securing of

1. Select Pleas, pl. 61, p. 27.

2. Liber Albus, trans. H.T. Riley; London; 1861, p. 89 and note.

3. Ibid, pp. 50-3.

evidence unfortunately brought with it considerable reliance on torture.¹ Torture as a part of punishment was used sparingly, compared with its widespread use as a means of obtaining evidence.

The accused person, far from being presumed innocent, was presumed to be guilty and encouraged to confess his or her guilt. The usual practice was to throw a suspected woman into a cell or dungeon, where she was kept half-starved to meditate on the pains to come. This period of inactivity heightened the eventual dramatic effect of the torture chamber itself. Lighted by the glow of a fire, it contained a long table, covered with a red cloth, round which sat the presiding officials.² Particularly unpleasant forms of torture seem to have been reserved for women.³

In England the development of trial by jury reduced the need for extracting confessions of guilt by torture. Until comparatively recent times, however, it continued to be used widely on the Continent, the machinery of continental law being geared to the belief that no better evidence could be put before a court than the confession of the accused.

Prison forte et dure

For jury trial to be effective it was necessary for the accused to plead. In early mediaeval times women who stood mute and would not plead were treated as severely as men. Cecilia, the widow of John Rydgeway, was eventually pardoned by Edward III, after enduring the punishment of 'prison forte et dure' - complete starvation in

1. See generally Ives, p. 10 et seq.

2. Ibid, pp. 11-12.

3. Ibid, p. 14.

prison.¹ The pardon stated that she had been² 'adjudged to her penance because she held herself mute before our Justices of Gaol Delivery at Nottingham; and whereas she afterwards sustained life without food or drink, in close prison, during forty days, after the manner of a miracle, and contrary to human nature, as we have been informed on trustworthy testimony; We, moved by piety...have of our special grace pardoned unto the same Cecilia the execution of the judgment aforesaid, and do desire that she be delivered from prison and be no further impeached of her body.'

After the reign of Henry IV the penalty for standing mute became the torture of the press³ - the 'peine forte et dure.' As late as the 17th century there is a record of three women who refused to plead dying through this cruel treatment.⁴

Capital Punishment

In mediaeval times punishment after conviction continued to be severe, and much use was made of the death penalty. By the laws of King Aethelstan, at the beginning of the 10th century, a female thief, if a free woman, was drowned or thrown down a precipice.⁵ A slave who had stolen from someone not her master was, however, burnt to death - and eighty other female slaves, each bearing three logs, were ordered to light and tend the fire. In the reign of Edward I lawyers

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1. In France the diet seems to have been slightly less severe, and it was decreed that the punishment should not last more than a year and a day - C.L. Von Bar - History of Continental Criminal Law; London; 1916, p. 191.
 2. Quoted in L.O. Pike - A History of Crime in England; London; 1873, p. 211.
 3. Ibid, pp. 210-211.
 4. L. Radzinowicz - History of English Criminal Law; London; 1948, Vol. I, p. 141.
 5. Laws of Aethelstan, III. 6; A.L. and I., p. 93.

seem to have considered that the punishment for witchcraft should be burning.¹ Sorcery had always been punished on the Continent with great severity, but few cases are reported in early British history, although the laws of Alfred state that 'the women who are wont to receive enchanterers and workers of phantasms, and witches' shall not be suffered to live.² Women were burnt for arson, as in the case in 1247 already mentioned.³ They were also burnt for felonies,⁴ and, in Saxon times, for marrying Jews. Under the Normans the penalty for this last offence was to be buried alive.⁵ In France to be buried alive seems to have been the main capital punishment for women during the Middle Ages, a custom probably founded on the old German traditions.⁶ Even in 1497 women were still buried alive for theft in Nuremburg. In that year, however, the sufferings of 'Elizabeth, daughter of Schellen-Claus, a notable thief,' aroused such pity in the onlookers that the city council directed 'that thereafter no female should be buried alive, but that they should be drowned.'⁷

By early Teutonic custom, according to Thrupp,⁸ a woman who committed adultery was punished by having her hair cut off, and being banished from the village. This punishment was replaced in mediaeval times by a more severe penalty. The adulteress was expected to strangle herself with her own hands. If she failed to do this, she was stripped to the waist by the other women of her village, who then

1. Pollock and Maitland, Vol. II, p. 554. Fleta, 2nd ed., London; 1685, I, c. 37, p. 54.

2. Laws of Alfred, 30. A.L. and I., p. 23.

3. Liber Albus, p. 89.

4. Select Pleas, pl. 191, p. 123.

5. Thrupp, p. 37, note. Fleta, p. 54.

6. Von Bar, p. 189.

7. T. Hampe - Crime and Punishment in Germany; London; 1929, p. 46.

8. Tacitus - Germania, c. xix; Thrupp, pp. 318-9.

drove her out and hunted her to death with knives and whips. In Britain, however, adultery was dealt with mainly by money compensation to the injured husband.

Down to the time of Bracton in the 13th century, hanging was the most usual capital penalty in England. A woman might be condemned to be 'drawn' as well as hanged, if she had been convicted of petty treason¹ - as by murdering her husband. Before the time of Canute hanging was carried out somewhat indiscriminately; but after the Danish invasion, there was a noticeable increase in non-capital punishments. Canute's intention - expressed strangely in view of the extreme cruelty of some of these penalties - was that² 'Christian men might not for too little be put to death, but rather to some gentle punishment.'

Non-Capital Punishments

Branding and Mutilation

Branding was in common use in mediaeval Europe. The brand often indicated the offence committed - such as 'T' for thief and 'M' for malefactor.³ The punishment of mutilation was also widely used, as it had been in more ancient communities. It sprang partly from the Mosaic law of retaliation, but one of the purposes of mutilation seems also to have been the desire to prevent the recurrence of whatever crime had been committed. By the laws of Cnut a woman convicted of adultery was disfigured by losing both her nose and her ears.⁴ Mutilation by cutting off the hair was also widely used, as it had

1. Pollock and Maitland, Vol. II, p. 485.

2. Laws of King Cnut, C.S. 2. A.L. and I., p. 161.

3. Barnes, p. 62.

4. Laws of King Cnut, C.S. 54. A.L. and I., p. 174.

been in German tribes in the time of Tacitus. According to the Germania,¹ if a woman was convicted of adultery, her husband shaved off her hair, stripped her in the presence of his kinsmen, thrust her from his house and flogged her through the whole village.

In England, mutilation was sometimes employed for second offences of a minor character. In 1226² a woman who stole a piece of canvas was discharged, but shortly afterwards, when she stole a purse containing 3/6d., she lost her thumb. This was probably considered a mild penalty. It was certainly more humane than the punishment meted out in 1203 to Alice Crithcreche, suspected of complicity in a murder.³ The court pronounced that she deserved death, but 'by way of dispensation' should merely have her eyes torn out.

Exile

The effects of banishment varied greatly according to the many local customs which prevailed throughout mediaeval Europe. The fact that a name was given to the children of women outlaws in England - that of 'cave-begottens'⁴ - seems to imply that there were a number of women in the country who were outlaws in their own right, rather than because of the crimes of their husbands. A woman might be outlawed and exiled even if she had successfully undergone an ordeal of iron or water. Once she was pronounced an outlaw, anyone who encountered her might lawfully destroy her and her children on sight.⁵

In England a woman who had engaged in fornication with a Jew,

1. c. xix.

2. Pollock and Maitland, Vol. II, p. 497, note. Bracton's Note Book, ed. Maitland; London; 1887, pl. 1723.

3. Select Pleas, pl. 77, p. 34.

4. Thrupp, pp. 145-6.

5. Ibid.

without actually going through a form of marriage, was exiled from the city.¹ A case is recorded of a woman who, for this offence, was exiled from the town of Bristol, but not apparently from the rest of England. Courtesans and 'common brothel keepers' were exiled from the City of London in the time of Richard II.² Edward I had decreed that they should not reside 'within the walls of the City, under pain of imprisonment',³ since they were inclined to harbour 'thieves and other persons of light and bad repute.'⁴ Later it was laid down that for the first three such offences a woman should be taken to the pillory, and there 'her hair be cut round about her head.' For the fourth offence she should be exiled from the City for ever.⁵

Women, as well as men, might abjure the realm. After committing a felony, a woman who had taken sanctuary in a church was allowed to remain there until she had formally bound herself by oath to leave the country. Meanwhile the local inhabitants had a duty to keep a solemn watch on the church until the formalities had been completed.⁶ Few women, however, took advantage of this privilege.⁷ A woman was not allowed to take the oath of adjuration if she had committed certain crimes - such as homicide on consecrated ground, or high treason - or if she had stood trial for her offence and been convicted. In 1366 the Bishop of London compelled a woman, who had killed a clerk in a sanctuary and wished to remain there, to leave the

1. Pollock and Maitland, Vol. II, p. 518, note. Note Book, pl. 1179.

2. Liber Albus, p. 395.

3. Ibid, p. 239.

4. Ibid, p. 246.

5. Ibid, p. 395.

6. Ibid, p. 244.

7. N.M. Trenholme - The Right of Sanctuary in England; Univ. of Missouri Studies; 1903, p. 69.

sanctuary.¹ She was condemned to death and hanged. Women who had been condemned to death, and escaped to sanctuary, were only rarely allowed to remain there and to abjure the realm.²

Slavery

By the time of the Danish occupation of England the harsh laws of King Aethelstan against female thieves³ had been somewhat modified, and enslavement had largely taken the place of the former penalties. Until the time of Canute the wife of a proved thief was almost always sold into slavery with her husband,⁴ as it was difficult to prove that she did not know about the theft, nor had tasted whatever had been stolen - the only grounds on which she might establish her innocence. In Canute's time, however, she could avoid being sold into slavery if the stolen goods were not found in any of her three 'key-lockers', 'for it is her duty to keep the keys of them; namely her "hord-ern", and her chest, and her "tege"'. If it be brought under any of these, then is she guilty.⁵

At this time a mistress was given considerable powers of punishment over her female slaves. For a very trivial offence a slave was placed in fetters and chained all night by the feet and hands.⁶ She was then beaten severely during the next day, and chained again on the second night. Fortunately for her, she escaped and found sanctuary at the tomb of St. Swithin. There she seems to

1. Ibid, pp. 42-3.

2. Ibid, p. 42.

3. Laws of Aethelstan, III. 6. A.L. and I., p. 93.

4. Thrupp, p. 70.

5. Laws of King Cnut, 77. A.L. and I., p. 180.

6. T. Wright - A History of Domestic Manners; London; 1862, pp. 56-7.

have been but one of several female slaves who had found shelter from their mistresses.

The Stocks, Pillory and Ducking Stool

Dishonour and public humiliation were powerful deterrents, especially in the closely integrated communities of mediaeval times. A statute of Edward III, in 1350,¹ ordered the setting up of stocks in all villages in England, as a punishment for unruly labourers. This decree cannot, however, have been carried out very extensively, since, in 1376, the King was again requested by the Commons to enforce a similar order. A woodcut of the 14th century, representing a monk and a lady confined in the stocks, seems to imply that women were punished in this manner.²

The Pillory was known in Britain in Saxon times, and probably developed from a pillar such as was used to exhibit offenders to the public in ancient Greece.³ The earliest forms of pillory were merely a simple post - which in mediaeval times was erected by the lord of the manor at a cross roads. The collar which was attached to this pillar may also have developed from a similar Greek collar. Eventually this 'carcan' was replaced by a wooden structure attached to the pillar, in which there were three holes, two for the wrists, and one for the head. The opening of a hinge permitted the offender to be placed in the pillory, which was then fastened by a padlock.

Throughout Europe the pillory and stocks were used mainly for mild offences. In Britain the Liber Albus contains many examples of

1. 25 Edw. III, stat. 1. c. 2.

2. Wright, pp. 342-3, quoting MS. Reg. 10. E. iv. No. 230.

3. See generally A. Griffiths - *Chronicles of Newgate*; London; 1896, p. 63.

this punishment. The pillory was the penalty for 'Lies, Slanders, Falsehoods and Deceits'; and a woman convicted of brawling was taken there, preceded by minstrels and carrying a distaff dressed with flax.¹ Music seems also to have been provided for those convicted of 'loose living', on their way to the pillory or to gaol.² About the year 1316, Alice, wife of Robert de Cranston, was 'put in the thew or pillory for women, for selling ale by short measure'; as was Margaret Hore, 'for selling putrid soles, the fish being burnt and the cause of the punishment proclaimed.'³ The Liber Albus contains examples of the pillory being used towards the end of the 14th century for 'being a common scold' and for 'being a common courtesan or procuress.'⁴

A punishment-stool - the forerunner of the post-mediaeval ducking-stool - was also in use during this period. It has been suggested that it was used by the Saxons in England, under the name⁵ 'Cathedra in qua rixosae mulieres sedentes aquae demergebantur.' Certainly, in the Domesday Survey, there is mention of a disciplinary chair used at Chester for women who brewed bad ale.⁶ They were not actually ducked, but if they were unable to pay the fine of four shillings decreed for the offence, they were placed in the 'cathedra stercoris', and seated either in a public place or in front of their own door, to be jeered at and mocked by their neighbours.

1. Liber Albus, p. 517; Griffiths - Newgate, p. 8.

2. Liber Albus, pp. 395-6.

3. Griffiths - Newgate, p. 8.

4. Liber Albus, pp. 520, 524.

5. Griffiths - Newgate, p. 64.

6. W. Andrews - Old Time Punishments; Hull; 1890, pp. 3. 4.

Imprisonment

In the Middle Ages prisons in Europe were maintained by those who had the feudal right of holding courts. Their object was still not so much to punish offenders as to detain suspects before trial. As Pollock and Maitland wisely observed,¹ 'imprisonment would have been regarded in these old times as a useless punishment; it does not satisfy revenge, it keeps the criminal idle, and do what we may it is costly.'

The private prisons, which had been prohibited in Justinian's time, reappeared as a method of putting pressure on debtors.² Women might be imprisoned for debt, or held in prison before trial. In France a woman engaged in a 'public' trade, who was unable to unwilling to pay her debts, could be restrained in prison as a personal security against payments. The laws of Aethelstan³ decreed that for murder a man should forfeit his life, 'but if he will deny it, and at the threefold ordeal shall be guilty; that he be CXX days in prison: and after that let his kindred take him out, and give to the king CXX shillings, and pay the "wēr" to his kindred, and enter into "borh" for him, that he evermore desist from the like.' The Anglo-Saxons, however, who had less interest in buildings or permanent settlements of any kind than their Roman predecessors, made little use of prisons, even for the detention of slaves, for whom the most cruel punishments were reserved.⁴

Before the 12th century there had been gaols and prisoners'

1. Vol. II, p. 516.

2. J. Brissaud - History of French Private Law; London; 1912, p. 568.

3. Laws of Aethelstan, I. 6. A.L. and I., p. 86.

4. Ives, p. 7.

cages in some counties of England. Such cells were not designed to provide comfort for their inmates during the period of detention.¹ Argument has arisen among historians as to the structure of 'huches' or cages, such as the one in which the Countess of Buchan was hung outside the walls of Berwick in the time of Edward I. Lang² claimed that the story was greatly exaggerated, and that its acceptance was due to the writings of English chroniclers. He stressed that during the Hundred Years War in Europe 'huches' were frequently set up within rooms in castles.³ The *Eulogium Historiarum*,⁴ however, recorded the King's treatment of the Countess as 'in domuncula quadam super murum Berwici lignea eam inclusit, et possint eam transeuntes conspicere,' and Burton held the view that the Countess was hung up outside the walls, high enough 'to prevent her holding converse with anyone.'⁵ He described the cage in which the Countess was suspended as a box or cage made of spars, 'large enough to be a proper chamber.'⁶

It was not until 1166 that - by the 7th Article of the Assize of Clarendon - a King of England commanded gaols to be built throughout the country, within the royal castles and in the walled towns. In this year seventeen counties and one city (Winchester) repaired their prisons or built new ones, but only four seem previously to have possessed gaols, and of these two were in unsatisfactory condition. In the following century the whole of England was

1. Pike, p. 130.

2. A. Lang - *History of Scotland*; Edinburgh; 1900, Vol. I, p. 238, note 24.

3. *Ibid.*

4. *Eulog. Hist.*, p. 189.

5. J. Hill Burton - *History of Scotland*; Edinburgh; 1876, Vol. II, p. 242.

6. *Ibid.*

gradually provided with prisons. At first many of these were situated in rural and relatively unpopulated areas and it was not until well on in the 13th century that the idea of a central county prison became accepted. In Berkshire, for example, the gaols were situated in small towns such as Bray and Wallingford. It was only in 1277 that the chief county prison was established at Windsor.¹

If it was accessible, the king's timber might be used to build the prisons ordered by the Assize of Clarendon. Otherwise prisons could be built of timber belonging to commoners. The gaols do not seem to have been planned as solid structures, built of stone.² This general weakness and insecurity led to a need for frequent repairs, and to the use of irons and fetters to prevent prisoners from escaping. In 1211 the cost of an iron was 6d.³

In Scotland, although there are early references to prisons,⁴ the construction of gaols as an accepted part of the machinery of justice, came very much later than in England. In 1394 the burgesses of Aberdeen were granted a charter to build a tolbooth and court house, eighty feet long and thirty feet wide.⁵ The tolbooth, or prison, at the east end was the least important part of the structure. It could only have been a small room - although undoubtedly larger than that built in Aberdeen forty years before, when it is recorded that the wood, iron and other materials cost William de Meldrum a

1. R.B. Pugh - The King's Prisons before 1250; Trans. of Royal Hist. Soc. Fifth Series, Vol. 5; London; 1955, pp. 2, 4, 5.

2. Ives, p. 10; Pugh, pp. 13-14.

3. Pugh, p. 15.

4. e.g. Assise Regis David, c. 16; Leges Quattuor Burgorum, 57 and 74; Regiam Majestatem, 1; Quoniam Attachiamenta, c. 24.

5. W. Kennedy - Annals of Aberdeen; London; 1818, Vol. 1, p. 403.

mere L 4.¹

For greater security, the use of prisons within castles was encouraged. The increase in the use of castles for this purpose in the late 12th and early 13th century, may have been due to a realisation that such buildings were impracticable either as residences or as fortresses.² The Assize of Northampton stressed that a suspect should be handed over to the nearest castle-keeper, if a sheriff could not be found to receive him. Prisons, however, of whatever kind, still continued to be used for detention rather than punishment.

Prisoners in England were expected to pay their own expenses, unless they were entirely penniless. In this case 4d. a day was, in theory, provided to maintain them.³ Probably then - as for many hundreds of years after - the wealthy prisoner fed well, and the poor prisoner starved. Certainly there is evidence of prisoners dying of hunger and thirst in Northampton, in 1323.⁴ Occasional acts of charity alleviated the conditions of the poorer prisoners. In 1248, Henry III gave money in order that all the prisoners in Newgate should be fed on the Monday after Ash Wednesday.⁵

Two years later, in 1250, clauses which expressly granted a prison to the burgesses begin to appear in the charters of boroughs. Borough prisons, however, undoubtedly existed before this date.⁶ Many of the prisons used in towns and cities were dungeons contained

1. Ibid.

2. Fugh, p. 10.

3. Ives, p. 11; Liber Albus, p. 448.

4. G.G. Coulton - Chaucer and His England; 5th ed. London; 1930, p. 284, note.

5. Fugh, p. 15.

6. Ibid, p. 11.

in their gatehouses, such as Newgate and Ludgate in London. The prison built at Newgate in 1188, for £36, probably incorporated the old gatehouse. When the prison was enlarged in 1239, the King ordered the citizens of London to share the cost by paying one-third of the money required.¹ From this time the practice arose of making prisons a local burden on the rates, rather than throwing the cost of their maintenance on general taxation.

Over the next century conditions at Newgate did not improve, in spite of alterations and additions to the prison. An official enquiry in 1334² exposed many abuses of overcrowding, threats and starvation. A state of overcrowding in any English prison was scarcely surprising. The visits of the King's justices to try cases throughout the country were very infrequent, and it was not unusual for seven years to pass between gaol deliveries.³ As in the case of all official enquiries before the time of John Howard, little was done, however, to remedy the situation. In 1406,⁴ after three citizens had complained that women prisoners at Newgate were expected to pass through the men's quarters, land was obtained to erect a tower, where the women could be confined separately. This tower continued in use until the new prison was built in 1422.

The Keepers of the London prisons - the Fleet and Newgate - were always addressed directly by the King in any legislation, and enjoyed equivalent authority to Sheriffs and Constables.⁵ Gaolers of some

1. Ibid, p. 12.

2. A. Crew - London Prisons of Today and Yesterday; London; 1933, pp. 44-5.

3. This was partly due to the cost of providing lavish entertainment for the Justices - Crew, pp. 43-4.

4. Crew, pp. 44-5.

5. Pugh, p. 17.

prisons in England received grants of land with their positions, but the majority seem to have been employed by the Sheriffs. Their rates of pay varied from 1d. to 1½d. a day,¹ which implies that they must either have had other sources of income, or have been persons of humble condition. By using their positions for profit they exercised a tyranny over their charges. In London, an example of their power was the profit they derived from withholding water from the inmates of Newgate and Ludgate. In 1430,² the Lord Mayor of London had the charitable scheme of conveying the waste water of his cistern 'to the gaols of Newgate and Ludgate for the relief of the prisoners.' Within a short time, however, the gaolers succeeded in recovering their profits, and sold the gifted water at a high price to the unfortunate prisoners for whom it was intended.

By the time of Edward I the first signs of imprisonment being used as a punishment begin to appear in England. The record in the Liber Albus that³ 'a certain woman (was) put into the Tun because she was out after lawful hours' does not seem to infer that she was imprisoned just for detention and not for punishment. A similar impression is gained from the reference in the same book to the punishments inflicted on bawds and procuresses. Ten days imprisonment⁴ 'without ransom' would seem to be an example of confinement in prison as a definite punishment. The Liber Albus also records that a woman could be imprisoned for debt,⁵ 'until she shall have made satisfaction.' Imprisonment continued to be linked frequently with

1. Ibid, pp. 20-1.

2. Crew, p. 48.

3. Liber Albus, p. 520.

4. Ibid, p. 395.

5. Ibid, p. 181.

such sentences for debt and the non-payment of fines until the end of this period. By 1500, however, a gradual change in the practice of courts in England could be noted, and imprisonment as a penalty was coming more and more to take its place in the pattern of punishment.

Chapter 3

CAPITAL PUNISHMENTS: 1500 - 1800

By the end of the 17th century hanging had become the accepted form of capital punishment in many countries of Europe. During the greater part of this period, however, there were still a variety of punishments for capital crimes. Grunhut's view¹ that 'capital punishment cannot be "reformed"; it can only be abolished' would not have been accepted at this time; and consideration of the comparative severity of methods of execution perplexed the minds of philosophers and lawyers. A great Roman-Dutch jurist of the 17th century, Ulrich Huber,² observed that in Holland there were three principal methods of capital punishment, 'beheading with the sword, strangling with the cord at the gallows or at a pole, and drowning. They are all quick deaths; for an execution which makes men feel death, and prolongs their agony, such as burning alive, especially with a slow fire, and the like, are not in use among us, the object being that persons may not be reduced to distress and become unable to turn their thoughts to God by being long in the pains of death. If, therefore, the magnitude of the crime calls for heavier punishment, we secure that by a demonstration of frightfulness after death, as by smoking the face and hands in case of incendiaries, putting the body on a wheel, the head on a pole and the like. We have, however, not said that burning, breaking on the wheel and other lingering methods of execution could never take place at any time, if the repulsiveness

1. M. Grunhut - Penal Reform; Oxford; 1948, p. 9.

2. U. Huber (1636-94) - Heedensdaegse Rechtsgeleertheyt, trans. P. Gane; Durban; 1939, Vol. II, p. 466.

of parricide and regicide or other incredible villainies should not allow of the exercise of ordinary pity.'

Nowhere in Europe were more capital statutes in force than in England. Sir Samuel Romilly's assertion,¹ in the early 19th century, that there was probably no other country in the world in which so many different offences were punished with death, was equally true of the 18th century. Capital crimes were not necessarily of a grave nature. Women were frequently executed for minor offences such as theft, coining and forgery. Blackstone² estimated that in his time there were 160 capital statutes, and during the following fifty years the number increased considerably. The majority of these statutes were introduced in the 18th century. Although the laws enacted by the Tudors and Stuarts were severe, it is doubtful whether in 1688 there were more than fifty capital offences. From the reign of Henry VIII to that of Charles II only thirty capital statutes were enacted, but between the Restoration and 1819, 187 were added to the statute book.³ Although these statutes were nearly always applicable to both sexes equally, in practice very many fewer women than men were executed. Howard⁴ found that, out of 467 persons executed in London and Middlesex between 1771 and 1783, only seventeen were women - and there are signs of similar apparent leniency in earlier times.

Drowning

Drowning was in general use as a capital penalty in Europe until the end of the 16th century. As late as 1641⁵ a woman, who had

1. Parliamentary Debates, 1810; Vol. 15, col. 366.

2. Commentaries, 18th ed. 1829; London; IV, 18; 1st ed. dated 1765-8.

3. Radzinowicz, pp. 4-5.

4. J. Howard - State of the Prisons; 3rd ed.; London; 1784, p. 484.

5. T. Sellin - Pioneering in Penology; London; 1944, p. 5.

killed her child, was executed by drowning in Holland. In this case, as in one in 1598¹ where a woman had kidnapped and maltreated a child, she was drowned in a water-barrel placed on the scaffold. According to Van Leeuwen,² drowning in a tub of water was also the punishment for murder by poison. In 1535,³ however, twenty-eight women, convicted of heresy, were bound in sacks and thrown into the river Ij. This form of drowning, in sea, lake or river, was probably the more usual practice, with or without sacks. Certainly mothers convicted of killing their new-born children were 'bagged',⁴ - that is to say tied in sacks and drowned - 'provided it is clear that a living child has been done to death.' After the end of the 15th century, drowning was often used as a punishment for women in Nuremburg.⁵ Women convicted of infanticide were occasionally beheaded, instead of being drowned, as a special dispensation. The prospect of being beheaded aroused 'an excess of gratitude on the part of these terrified creatures.'

There are no records of drowning being used as a capital punishment for women in England during this period, but in Scotland, according to Pitcairn,⁶ it was a punishment allotted to women - and often to infirm old men - for 'crimes of an inferior description, such as Theft etc.' In Highland districts women could choose to be drowned rather than hanged. In 1553 Jonet Andersone,⁷ convicted of

1. Ibid.

2. S. Van Leeuwen - Commentaries on the Roman-Dutch Law, trans. J.G. Kotzé; London; 1886, IV, 272.

3. Sellin, p. 5.

4. Huber, II, p. 432.

5. Hampe, pp. 67, 68.

6. R. Pitcairn - Criminal Trials in Scotland; Edinburgh; 1833, Vol. I, p. 190.

7. Ibid, I, p. 162.

fire-raising, was sentenced to be drowned; while Grissel Mathow,¹ who had stolen 'a Coffe with Writings' in 1599, was 'to be tane to the North Loch of Edinburghe, and thair drownit quihill escho be deid.' In 1624 sentence of drowning was passed on Helene Faa² and her relations - gipsies who had offended against the Act of James VI banishing 'Egyptians',³ - but it was remitted. By this time, in Scotland, drowning was being used less, either as a fixed punishment, or as the threatened alternative to banishment - although in 1679 Janet Grant,⁴ a confessed thief, was sentenced 'to be drowned next day in the Loch of Spynie.'

Breaking on the Wheel, and Boiling Alive

As Huber observed⁵ in the 17th century, burning, breaking on the wheel, 'and other lingering methods of execution' were used in Holland when it was felt that the offence committed was so atrocious that it did not 'allow of the exercise of ordinary pity.' Breaking on the wheel was reserved for 'cases of great iniquity',⁶ and after being 'broken' the victim was sometimes beheaded.⁷ In 1806 Van der Linden noted⁸ that murder was still punished in this manner, especially murder by poison. In France breaking on the wheel was also the punishment for murder.⁹ This penalty was, however, very rarely inflicted on a woman in Europe. Von Hentig¹⁰ mentions only

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1. Ibid, II, pp. 93-4.
 2. Ibid, III, pp. 560-2.
 3. 1609, A.P.S. iv. c. 20. 440.
 4. C. Rogers - Scotland, Social and Domestic; London; 1869, pp. 63-4.
 5. II, p. 466.
 6. Ibid, pp. 431-2.
 7. J. Van der Linden - Inst. of the Laws of Holland, trans. J. Henry; Amsterdam; 1828, p. 297.
 8. Van der Linden, pp. 334-5.
 9. Von Bar, p. 285.
 10. H. von Hentig - Die Strafe; Berlin; 1955, Vol. I, p. 288.

one case - that of Dorothe Götterich, who was executed in 1770, by being broken on the wheel in Mecklenburg-Streilitz.

In France and Germany¹ coiners were boiled to death during this period, but in 16th century England there was a reaction against certain penalties which caused prolonged suffering. Breaking on the wheel was never a legal punishment in Britain. In 1530,² however, a statute was passed in England introducing the penalty of boiling to death for offenders found guilty of murder by poisoning, making this crime high treason. The Bishop of Rochester's cook, convicted of poisoning some soup he had prepared for the bishop's family and the poor of the parish, was publicly boiled to death at Smithfield in 1531³ - it was said in the same pot he had used to brew the poison.⁴ Public opinion was eventually outraged by the cruelty of this penalty, and the Act was repealed in 1547,⁵ but not before Margaret Davy had been executed by boiling in the Market Place of King's Lynn.⁶ In England burning at the stake now remained as the main alternative capital punishment to hanging, but many countries in Europe still favoured beheading.

Beheading

During his travels in Europe at the end of the 18th century, Howard found that both in Switzerland and Sweden it was the custom for women to be beheaded for capital crimes.⁷ In Sweden the sentence

1. R.G. Ryley Scott - Hist. of Capital Punishment; London; 1950, p. 25.

2. 22 Hen. 8. c. 9.

3. Radzinowicz, pp. 238-9; Andrews, pp. 198-9.

4. W. Eden - Principles of Penal Law; London; 2nd ed. 1771, p. 270.

5. 1 Edw. 6 c. 12.

6. Radzinowicz, p. 239; Eden, p. 270.

7. Howard, pp. 124, 82.

was carried out with ceremony.¹ After the execution the scaffold was set on fire at the four corners, and 'consumed with the body.' Before the revolution in France, decapitation was reserved for those of noble birth, but after 1791 all persons sentenced to death were executed by the guillotine. Huber² mentions decapitation as the usual punishment for homicide in 17th century Holland. If the culprit was a wife who had killed her husband - or a servant who had killed her mistress - her head was set up on a stake and her body on a wheel. In Nuremburg during the 17th century the heads of women child-murderers were exposed after decapitation, 'as a warning';³ and as late as 1811 the body of Anna Maria Schönleben - a notorious prisoner - was exposed on a wheel in Germany.⁴

In England the King might on occasion substitute the sentence of beheading for another form of capital punishment, especially when the convicted person was of high rank. In 1685, in the case of Lady Alice Lisle,⁵ who had been convicted of high treason and sentenced to be burnt alive, the King ordered that she should be beheaded, and that her head and body should be handed over to her relations. In Scotland, according to Pitcairn,⁶ 'in all cases of Treason and Murder, as well as in those of Witchcraft, Sorcery etc., females of rank were invariably burnt at the stake, until a comparatively recent date, when decapitation was sometimes granted, in particular instances.'

1. Ibid, p. 82.

2. Huber, II, p. 431.

3. Hampe, p. 54.

4. C.J.S. Thompson - Poisons and Poisoners; London; 1931, p. 377.

5. Celebrated Trials; London; 1825, Vol. III, pp. 132-3. Precedents quoted were Katherine Howard in reign of Henry VIII; Lady Jane Grey; and Countess of Salisbury in 1641 - p. 133.

6. I, p. 190.

In 1604 Lady Warriston¹ was beheaded by the 'Maiden' for murder. There are, however, no indications of what 'special circumstances', if any, caused decapitation to be selected as the penalty in cases such as that of Bessie Weir,² beheaded in 1619 for child-murder, and Margaret Hamilton,³ beheaded in 1665 for adultery and murder.

Burning

Until the 18th century, burning remained the main capital punishment for women in Britain. According to Blackstone⁴ this preference was due to 'the decency due to the sex', which forbade 'the exposing and publicly mangling their bodies.' In Scotland the sentence of burning could take two forms. The most severe sentence which could be pronounced was that imposed on Ewfame Makcalzane,⁵ convicted of treason and witchcraft in 1591 - that she should be 'brunt in assis, quick, to the death.' This implied being literally burnt alive, without any mitigation of the suffering. In the majority of cases of witchcraft in Scotland, however, and for lesser capital offences, such as forging and uttering base coin, the executioners were allowed to strangle women at the stake before they were burnt. As in the case of four women convicted of witchcraft in 1597,⁶ they were condemned 'to be wirreit at ane staik, quihill thay war died, and thair bodeis to be brunt in asses.'

In British history 'burning' is generally associated with the

1. II, pp. 445-8.

2. III, p. 472.

3. Justiciary Records, 1661-78; Edinburgh; 1905, ed. W.G. Scott-Moncrieff; Vol. I, p. 125.

4. Commentaries, IV, 93.

5. Pitcairn, I, p. 257.

6. II, p. 29.

crime of witchcraft. The gradual mounting of the tensions and fears against wizards and witches - which had begun in the 15th century - spread from the continent of Europe to Britain at the beginning of the sixteenth. After the publication of the Bull of Innocent VIII in 1484, 'Summis desiderantes affectibus,' thousands of victims in Europe were sought out and slaughtered. The death-roll of women has been estimated as high as 300,000.¹ Between 1515 and 1516, 500 witches were burned in Geneva; and in the district of Como, in 1524, it was estimated that 1,000 persons lost their lives.² It was not surprising that in Europe 'it became a common prayer, with women in the humbler walks of life, that they might never live to grow old. It was sufficient to be aged, poor and half-crazed to ensure death at the stake or the scaffold.'³ In 1541⁴ witchcraft was first made a felony in England, and during the 16th and 17th centuries some 30,000 women throughout Great Britain were executed as witches.⁵ A quarter of this number died in Scotland. When the statutes against witchcraft were eventually repealed in 1735,⁶ many of the Scottish clergy denounced the repeal, as being 'contrary to the express law of God.'⁷

1. Ives, p. 74.

2. C. Mackay - *Memoirs of extraordinary popular Delusions*; London; 1852, II, p. 118.

3. *Ibid*, p. 116.

4. 33 Hen. 8. c. 14.

5. Rogers, p. 302.

6. 9 Geo. II c. 5.

7. The last execution of a witch in Scotland was in 1722. Unlike many who suffered in a similar manner, the old lady remained calm throughout her ordeal. 'The weather proving very severe, she sat composedly warming herself by the fire prepared to consume her, while the other instruments of death were making ready - C.K. Sharpe - *Introd. to Law's Memorials*; Edinburgh; 1818, pp. cvi-cvii.

Victims for the witchcraft trials were frequently chosen through local denunciations. In one town in Scotland a chest was kept,¹ 'locked with three severall locks' and 'opened every fifteenth day', into which denunciations could be slipped. These were sifted and arrests made; after which some considerable time might elapse before the 'witch' was brought before her judges. Pre-trial torture was the general practice. Arnot² described how 'thrusting of pins into the flesh, and keeping the accused from sleep, were the ordinary treatment of a witch. But if the prisoner was endued with uncommon fortitude, other methods were used to extort confession. The boots, the calpie-claws, and the pilniewinks, engines for torturing the legs, the arms and the fingers, were applied to either sex.... The bloody zeal of those inquisitors attained to a refinement in cruelty so shocking to humanity, and so repugnant to justice, as to be almost incredible. Not satisfied with torturing the person of the accused, their ingenious malice assailed the more delicate feelings, and ardent affections of the mind. An aged husband, an infant daughter, would have been tortured in presence of the accused, in order to subdue her resolution.' In 1595 a child of about seven was put in the pilniewinks, to induce her mother - a suspected witch - to confess.

While in prison, it was not unusual for the accused woman to be chained to the wall of her dungeon³ 'by iron hoops, which passed round her person and enclosed her limbs. About thirty stone weight of hoops and chains would be heaped upon the limbs of an old woman already enfeebled by the needles of the witch-pricker.' The victims

1. R. Scot - The Discovery of Witchcraft; London; 1665, p. 11.
 2. H. Arnot - Criminal Trials; Edinburgh; 1785, p. 368.
 3. Rogers, p. 267.

frequently succumbed before ever being brought before the Court. In such cases, or in cases where the woman had killed herself in prison, or before her threatened arrest, her body was dealt with ruthlessly. Arnot¹ observed that 'if an unfortunate woman, trembling at a citation for witchcraft, ended her sufferings by her own hands, she was dragged from her house at a horse's tail, and buried under the gallows.' In the accounts of the Dean of Guild in Aberdeen, for 1595 and 1596,² items are shown, 'for eirding Sapphock, who died in prison - 6s. 8d.;' and 'for trailling Monteith through the streets in a cart, she having hanged herself in prison; cart-hire, and eirding her - 10s.'

The accounts for the burning of Janet Wischart and Isobel Cockie in 1596³ are also of some interest.

| | £ | s. | d. |
|---|----|----|----|
| Item for xx load of peats | 2 | 0 | 0 |
| a boll of coals | 1 | 4 | 0 |
| iv tar barrels | 1 | 6 | 8 |
| fire, and iron barrels | | 16 | 8 |
| a stake, and for dressing it | | 16 | 0 |
| iv fathom of rope | | | 4 |
| carrying the peats, coals and barrels to the hill | 13 | | 4 |
| John Justice, for their execution | 6 | | 8 |

The executioner - ironically named - was certainly not over-paid for his services. These executions took place in the centre of the city. It was recorded that⁴ 'the prejudices of the people were so strong against this imaginary crime, that they beheld the shocking spectacle without sympathy, and with insensibility, while every spark of humanity would seem to have been extinguished.'

1. Arnot, pp. 368-9.

2. Kennedy, I, pp. 170-1.

3. Ibid, I, p. 171.

4. Ibid, I, pp. 169-170.

A description of an English execution in 1722¹ - that of Eleanor Elsom - gives some idea of how 'shocking' an execution by burning could be. 'She (Eleanor Elsom) was clothed in a cloth "made like a shift", saturated with tar, and her limbs were also smeared with the same inflammable substance, while a tarred bonnet had been placed on her head. She was brought out of the prison barefoot, and, being put on a hurdle, was drawn on a sledge to the place of execution near the gallows. Upon arrival, some time was passed in prayer, after which the executioner placed her on a tar barrel, a height of three feet, against the stake. A rope ran through a pulley in the stake, and was placed around her neck, she herself fixing it with her hands. Three irons also held her body to the stake, and the rope being pulled tight, the tar barrel was taken aside and the fire lighted.... She was probably quite dead before the fire reached her, as the executioner pulled upon the rope several times whilst the irons were being fixed.' The crowd on such occasions was usually very large - in 1786, at an execution in England, it was estimated at 20,000² - and its behaviour far from decorous. In 1721 Barbara Spencer,³ who was 'very desirous of praying', complained of the 'dirt and stones thrown by the mob behind her.'

In England burning was the punishment for women convicted of high or petty treason. High treason included some offences against the security of the state, and also crimes such as coining. Elizabeth Gaunt, sentenced to death by Judge Jeffries in 1685 for

1. Andrews, pp. 193-4.

2. W. Sydney - England and the English in the 18th century; London; 1891, Vol. II, p. 300.

3. Celebrated Trials, III, p. 403.

harbouring a man involved in the Monmouth rebellion, was the last woman to be executed for a political offence in England.¹ A deeply religious woman, she had devoted her life to charitable works. At the time of her execution² 'she laid the straw about her for burning her speedily; and behaved herself in such a manner that all the spectators melted in tears.' A particularly sad case of coining occurred in 1777,³ when a fourteen year old girl was sentenced to be burnt for hiding some white-washed farthings, at her master's instigation. She was reprieved at the last moment, owing to the interference of Lord Weymouth. Twelve years later, in 1789, Christian Murphy⁴ - also convicted of coining - was not so fortunate. She was the last woman to be burnt in England. The public conscience must have been uneasy, since she was strangled first, and the logs piled so high around her that her body was hidden from the view of the crowd.

Killing a person to whom some special obedience was owed - i.e., in the case of a woman, as wife or servant - was, in England, a crime of petty treason. Until 1789, when it was abolished by Act of Parliament,⁵ petty treason was punished by burning. For poisoning their husbands, Amy Hutchinson was burnt at Ely in 1750, and Ann Sowerby at York in 1767;⁶ while Mary Troke,⁷ aged only sixteen, was burnt at Winchester in 1738, for poisoning her mistress. The

1. T.B. Macaulay - History of England; London; 1889, Vol. I, pp. 326-7.

2. G. Burnet - History of His Own Time; London; 1724, i, p. 649.

3. Andrews, p. 197.

4. Notes and Queries; May - Dec. 1850; Vol. 2, pp. 260-1; Andrews, p. 198.

5. 30 Geo. III c. 48.

6. Griffiths - Newgate, p. 104.

7. Notes and Queries; Jan. - June; 1855; Vol. 11, p. 373.

following year Susannah Broom¹ was burnt at Tyburn for instigating and assisting in the murder of her husband. She was drawn to the place of execution on a hurdle - an aggravated form of the death penalty for this offence which seems to have applied only to women. For women 'drawing' entailed being dragged to the place of execution. In the 18th century, however, the practice was usually to drive the victim on a sledge or hurdle.² By this time it was also the custom to strangle her first, before setting fire to the faggots; but this largely depended on the humanity of the executioner. In the case of Catherine Hayes³ she was undoubtedly burnt alive. This was possibly due to the hangman letting go of the rope with which she was to have been strangled, but the crowd may well have been so enraged by the atrocity of her crimes that they prevented him from hastening her death.

By 1806 Van der Linden⁴ could write that in Holland the punishment of burning had 'fallen into disuse.' During the three centuries before this date it was one of the most usual methods of execution in Europe, especially for women. The Bambergensis and the Carolina, in the early 16th century, had made sorcery a crime punishable by burning only when it caused injury to others; but in 1572, by the *Constitutiones Saxonicae*, sorcerers were to be burnt whether or not it could be proved that they had caused harm.⁵ In some European countries the practice of execution by burning lingered much longer than in

1. Ibid.

2. Blackstone, IV, p. 376.

3. Notes and Queries; May - Dec. 1850; Vol. 2, p. 51; J. Timbs - Curiosities of London; London; 1868, p. 810; Newgate Calendar, Vol. I; London; 1814, pp. 374, 394.

4. p. 298.

5. Von Bar, p. 227.

others. Although Van Leeuwen¹ mentions burning as one of the capital punishments still in use in Holland in the 17th century, the last time a witch was burnt there was in 1597.² In France,³ also, the penalty was not in general use in the 17th century. It was, however, the middle of the 18th century before witches ceased to be burnt in Germany.⁴ The gradual decline in the use of this punishment in Switzerland is shown by figures giving the number of executions carried out in Zurich and Schwyz.⁵ In the 16th century there were 61 executions by fire, as against 55 by hanging; in the 17th century the figures were 14 by burning and 10 by hanging; and in the 18th century there were only 2 executions by burning, 16 by hanging, 1 by breaking on the wheel, and 106 by beheading.

Apart from sorcery, the other main offence for which burning was the penalty in Europe was fire-raising. In France burning continued in use for this offence some time after it had ceased to be employed as a punishment for witchcraft.⁶ Van Leeuwen⁷ noted that in Holland 'incendiaries are...generally strangled, their faces scorched with flaming fire, and their bodies placed on a wheel.... By others the written laws are strictly followed, according to which they are burnt with fire.' Symbolic scorching of the face, or burning after death, as part of the ritual of execution, was also practised upon witches. Long after the practice of burning them alive had fallen into disuse, their bodies were burnt, either a short while after they had been

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1. IV, p. 320.
 2. Von Bar, p. 310.
 3. Ibid, p. 280.
 4. Ibid, p. 310.
 5. Ibid, p. 299.
 6. Ibid, p. 287.
 7. IV, p. 320.



executed by some other method, or immediately after they had been strangled at the stake.

Hanging

By the middle of the 18th century hanging had become the accepted punishment for women convicted of capital crimes in Britain. In 1735¹ a woman at Northampton, who had been convicted of stealing thirty shillings from a man's pocket, was sentenced to be hanged; and in 1790² hanging replaced burning as the punishment for such offences. With the abolition of earlier elaborations to simple hanging - such as mutilation and exposure of the corpse of the person executed - it was felt that the 'decency due to the sex'³ would no longer be offended by extending the punishment of hanging to women. In Scotland, hanging seems to have been used more for women than in England; and it was made the penalty for a variety of offences. Issobell Pratt⁴ was hanged for child-murder in 1596, Marion Kempt⁵ for adultery in 1627, and Barbara Tannahill⁶ for incest in 1705.

In England bodies of women who had been executed were never, in fact, exposed in chains, although they were occasionally shown to the public after death, as in 1798⁷ when Mrs. Phipoe, executed for murder, was exhibited on a special structure at the Old Bailey. Nor were women mutilated as part of the sentence of death. An aggravation of the death penalty to which, however, both men and women were

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1. Notes and Queries; Jan. - June, 1855; Vol. 11, p. 373.
 2. 30 Geo. III c. 49.
 3. Blackstone, IV, 93.
 4. Pitcairn, I, p. 371.
 5. Arnot, pp. 313-4.
 6. Ibid, pp. 307-8.
 7. Griffiths - Newgate, pp. 266-7.

equally liable, was the dissection of their bodies after execution.

In 1752 an Act of George II¹ provided that the bodies of murderers should be delivered to the Crown for dissection. In 1803² the question whether such dissection was an essential part of the sentence caused such controversy that eventually the convicted woman was pardoned, on condition that she should be transported. Relatives might buy the body off the hangman, whose property it became. When money was not available to do this, however, the body was dissected before large crowds of spectators. In London these public dissections took place originally at Barber-Surgeons Hall, where the body of Elizabeth Brownrigg was taken after execution in 1767;³ but they were later transferred to Hick's Hall.⁴ Instances are recorded where the delay in burial led to the revival of the woman supposed to be 'hanged'. Maggie Dickson,⁵ 'executed' in Edinburgh in 1728, recovered very quickly, 'the jolting of the cart in which her body was removed from the gallows' causing her to revive. The body of Ann Green, was said to have actually entered the anatomy school in Christ Church, Oxford; but⁶ 'on unpacking her there was still some vital heat remaining', and through the skill and perseverance of the Professor and his assistant she was restored to life. The next day she 'talked and prayed very heartily.'⁷

In London the method of hanging up to 1783 gave ample scope for

1. 25 Geo. II c. 37.

2. R.V. Fletcher (1803) Russ. and Ry. 58.

3. Celebrated Trials, IV, p. 431.

4. Radzinowicz, p. 191.

5. Griffiths - Newgate, p. 71.

6. G.V. Cox - Recollections of Oxford; London; 1870, p. 21.

7. Dr. Plot's Natural History of Oxfordshire; Oxford; 1676, pp. 197-8.

inefficiency, so that it was not surprising that cases of 'half-hanging' occurred. For over six hundred years executions took place at Tyburn.¹ The scaffold originally consisted of a beam placed across the branches of two trees, from which dangled a rope. Later a triangular gallows was set up, but a form of gallows that could be erected just before the execution and removed directly afterwards was not installed until 1759. Until 1783 the 'drop' was provided by driving away the cart on which the victims had been brought to execution - a method which often proved ineffective. In that year the place of execution was moved to Newgate, but executions still continued to be held in public.

During the long drive to Tyburn, people flocked to accompany the procession, and to see the execution itself. Condemned women were often dressed in white, carrying baskets of fruit and flowers, which they distributed to the populace as they passed.² The carts in which they were driven were usually those used for the execution, but on occasions they were allowed to drive in a private coach, as in the case of a notorious thief, Mary Young,³ who was executed in 1740. She drove to her execution 'in a mourning coach, attended by a clergyman.' She was undoubtedly sober when she arrived at Tyburn, since once there she 'employed a considerable time in fervent prayer.' Three women, described in the Gentleman's Magazine in 1750,⁴ arrived

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1. Radzinowicz, pp. 168-75; see also A. Angelo - Reminiscences; London; 1828, Vol. I, pp. 474-5.
 2. An interesting controversy arose over a description of women being executed after the Gordon Riots, 1780 - Notes and Queries; Jan. - June, 1856; 2nd Ser. Vol. I, pp. 286-7; 518-9; Vol. II, 216-7.
 3. Celebrated Trials, Vol. III, p. 471.
 4. Gentleman's Magazine, July, 1750, p. 328.

in a very different state, having been regaled on the way 'contrary to an express order of the court of aldermen, against serving them with strong liquors.'

Dr. Johnson¹ asserted that executions were 'intended to draw spectators. If they do not draw spectators, they don't answer their purpose. The old method was most satisfactory to all parties; the public was gratified by a procession: the criminal was supported by it.' Many others held similar views, and the public interest in the 'solemn procession' to Tyburn, and clamour for seats at the actual execution continued. In spite of this, however, the Sheriffs of London decided in 1783² that the procession to Tyburn defeated 'all the ends of justice.' 'All the effects of example, the terrors of death, the shame of punishment, are all lost.... Numbers soon thicken into a crowd of followers...till on reaching the fatal tree it becomes a riotous mob, and their wantonness of speech brakes forth in profane jokes, swearing and blasphemy.' The Sheriffs ordered that future executions - although still in public - should take place in a solemn manner, in front of the prison at Newgate. The scaffold was to be hung with black, the crowd kept at a distance, and a bell should be tolled throughout the execution. It was not until 1868³ that public executions ceased in Britain. In that year Frances Kidden⁴ - the last woman to be publicly hanged - was executed in the Market-square at Maidstone.

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1. Boswell's Life of Samuel Johnson; London; 8th ed. 1816; Vol. IV, p. 204.
 2. Pamphlet published in 1784 - quoted Radzinowicz, pp. 201-2.
 3. 31 and 32 Vict. c. 24.
 4. B. O'Donnell - Should Women Hang; London; 1956, p. 170.

Huber¹ mentioned 'strangling with the cord at the gallows or at a pole' as one of three principal forms of capital punishment in use in Holland, during the latter part of the 17th century. Van der Linden² drew a distinction between these two forms of punishment in 1806, when he observed that 'hanging' was still a usual penalty for capital crimes, but that 'strangling, with or without scorching' had 'fallen into disuse.' Although in Britain, when burning ceased to be used as a capital punishment for women, hanging took its place, in many countries of Europe this was not so. By the end of the 18th century beheading had become the popular method of executing women in Switzerland,³ and this was also the case in France.⁴ In France hanging had formerly been a penalty in general use for crimes where women of noble birth would have been punished by beheading. Being looked on as an inferior method of execution, it was abolished after the Revolution of 1789.

Mitigations of Capital Punishment.

In England a woman might avoid a sentence of capital punishment by pleading benefit of clergy, or by pleading that she was pregnant at the time of the sentence. The former privilege was not given to women in general until the 17th century, although before the Reformation professed nuns might claim this right.⁵ An Act of 1623⁶ decreed that on conviction for small felonies, when men might have benefit of clergy, women should also escape capital punishment, and instead be

1. II, 466; also Van Leeuwen, p. 258.

2. p. 298.

3. Howard, p. 124.

4. Von Bar, p. 269.

5. By 1350, 25 Edw. 3 c. 3.

6. 21 Jac. I c. 6.

branded on the hand. They could then be discharged, although - as with men - this discharge might be postponed for a year, during which time they had to serve a sentence of imprisonment. In 1692¹ this plea of clergy was again recognised for a first offence; but it was laid down that no woman should be allowed to plead her clergy more than once.

While a plea of clergy should avert a sentence of death, pleading pregnancy did not alter the actual sentence. It did, however, delay execution of the sentence until after the child was born - and in such cases the penalty was usually commuted to imprisonment for life. Voet,² writing at the end of the 17th century, expressed the view - generally accepted throughout Europe - that 'if a woman has committed a crime such that either the punishment of death or a corporal penalty ought to be inflicted for it, the execution must be put off until she has given birth to her offspring. This is to prevent the punishment passing beyond the wrecker of the wrongdoing, and a prospective innocent living creature being destroyed along with her who was heavy with child, or being prematurely brought to birth by the infliction of distresses upon the mother. This is so even though she was made pregnant in the gaol, or as a result of the very crime for which she is to be punished, for instance adultery or incest.'

As a result women condemned to death had a strong motive to prove that they were pregnant, and Misson's description³ of the

1. 4 and 5 Will. & Mary c. 24.

2. XLVIII. 19. 5.

3. H.M. de Misson - *Memoires et Observations faites par un Voyageur en Angleterre*; Hague; 1698, pp. 358-9.

situation in England in 1698 is probably little exaggerated. 'Les Femmes, ou Filles, qui ont reçu sentence de mort, ne manquent jamais de dire qu'elles sont grosses quand elles sont en âge de l'être, pour obtenir suspension d'exécution, jusqu'après leur accouchement. Sur cela, on les fait visiter par des Matrones. Si les Matrones ne les trouvent pas grosses, penderie s'enfuit au premier jour. Mais fort souvent elles déclarent qu'elles les trouvent grosses; et souvent aussi les pauvres criminelles le sont en effet, car quand elles seroient entrées Vierges dans la prison, il y a des drôles de Valets qui y donnent bon ordre. Ils ne manquent pas de les avertir dès le premier moment de leur entrée que si elles ne sont pas grosses, il faut promptement travailler à le devenir, afin que si elles ont le malheur d'être condamnées à la mort, elles puissent tirer le temps en longueur, et se sauver peut-être la vie. Qui n'écouterait de si salutaires avis?'

A celebrated case in Scotland in which pregnancy was pleaded was that of Katherine Nairn¹ (Mrs. Ogilvie) in 1765, who was convicted of the murder of her husband, and incest with her brother-in-law. After she had pleaded that she was pregnant, midwives were appointed to discover the truth of this claim. As the midwives were unable to speak with certainty, the execution was delayed for three months. Eventually they were able to declare that the prisoner was six months pregnant. The execution was then postponed again, until after the birth of her child, but during this latter period Katherine Nairn escaped and fled to the Continent. The Scottish use of midwives,

1. Trial of Katherine Nairn, ed. W. Roughead; Edinburgh; 1926, pp. 167, 169-70, 194-5.

rather than 'matrons' - which was the custom in England - probably made for more accurate diagnosis. When, however, Anne Hurle¹ so 'contrived to baffle the skill of the women appointed to examine her, that they could not come to any satisfactory decisions,' the sheriffs in England did take a doctor's opinion. In this case the doctor pronounced that Anne Hurle was not pregnant, and she was executed in 1804.

1. Celebrated Trials, Vol. V, p. 457.

Chapter 4

NON-CAPITAL PUNISHMENTS: 1500 - 1800

The Pillory, and similar punishments

During this period, life in Europe was essentially parochial, and travel was difficult. The majority of non-capital punishments were, therefore, intended to humiliate the offender publicly in the community where she lived, and to bring her offences to the notice of her neighbours.

In the 16th and 17th centuries wooden collars and heavy mortars were often used in Britain as punishments for scolding or immorality. In 1637 a woman who had abused the lady mayoress of Sandwich¹ was condemned to carry a mortar through the town, hanging on the handle of an old broom. In Germany a 'neck-fiddle' was used for the punishment of scolds and petty offenders.² Such offenders were also paraded through the streets of Nuremberg³ 'with great stones fastened round their necks or tied to their feet.' A butcher's girl, charged with theft in 1581, seems to have been the last woman to 'carry the stone.'⁴ Howard mentions a similar punishment in Denmark,⁵ called the 'Spanish Mantle', although he does not imply that it was in general use for women; and Sir William Brereton,⁶ travelling in Europe in the 17th century, found evidence in Delft of a 'wooden huke, a hollow round piece so narrow as that it is of a fit size for his

1. Andrews, p. 11.

2. Sellin, p. 69; Hampe, p. 60.

3. Hampe, p. 46.

4. Ibid.

5. Howard, pp. 76-7.

6. Travels in Holland, the United Provinces, etc. (1634-5), ed. E. Hawkins; Chetham Soc., 1844, pp. 19-20.

head to go and to hang on his shoulder...the wearing whereof is enjoined as a punishment...upon whores, petty larceners, shippers that exact.... It is a great shame and disgrace to them; their faces are open and to be known, their hands held close by their sides and cannot stir; it is very heavy, and they moving, it knocks and breaks their chins.'

Throughout this period the stocks were also used for minor offences, such as brawling and disorderly conduct. At Cornhill, in England, a strong wooden cage with a pair of stocks was erected under the pillory for 'nightwalkers';¹ and in 1623² an Act of James I, 'concerning women convicted of small felonies,' provided that such women should first be branded, and then punished by 'imprisonment, whipping, stocking, or sending to the House of Correction.' In 1642,³ in Scotland, Marjorie Cassin was placed 'in the stockes two houris, for denouncing Janet Brownside as "a comon theef, comon whoore, and a loun."'

A record in 1570⁴ that Gelis Symson was condemned 'to sit in the joggis twenty-foure houris' may refer to some form of stocks, although the 'joggis', 'jagg', or 'jougs', when used in Scotland, did not generally enclose the feet. It was an iron collar, similar to the French 'carcan',⁵ 'which'⁶ passed round the neck like a yoke (jugum) and was secured at the back by a strong padlock. The "jagg" was attached to the church wall, close by the principal door, and was

1. J. Stow - A Survey of London; London; 1603, p. 192.

2. 21 Jac. 1 c. 6.

3. Rogers, p. 361.

4. Ibid, p. 359.

5. Ibid, pp. 353-4.

6. Von Bar, pp. 273-4.

fixed at such a height from the ground as to place the penitent in an ignominious and painful attitude.' The civil and municipal authorities seem to have taken over the joughs as an instrument of punishment from the church, and after 1688 it was seldom used on church authority alone. In Stirling¹ the joughs enclosed the neck and wrists; but the form of collar varied considerably throughout the country.

In Britain, and in Europe generally, the most usual form of such humiliating punishments was, however, the pillory. This varied from a simple post, with wooden blocks at the top, hinged to enclose the head and hands, to an elaborate structure, fixed on a pivot, so that the offender revolved in view of the assembled crowd. As has been mentioned, at Cornhill² 'a strong prison made of timber, called a Cage, with a paire of stockes therein set upon it,' was erected. On top of this Cage 'was placed a pillorie, for the punishment of bakers offending in the assize of bread; for millers stealing of corne at the mill; for bawdes, scoulds and other offenders.' In Scotland, Margaret Jamieson,³ convicted of fornication in 1653, was ordered 'instantly to pay L40 Scots, and in case of refusal to be kept prisoner for 8 days...and next market day to stand an hour bare-headed on the pillory;' while in 1679,⁴ for 'charming' the inhabitants of Peterhead, Janet Henderson and Margaret Jamieson were sentenced 'to appear on the pillar in the habit of sackcloth.' The pillory was also the punishment for gaming in England. Lord Kenyon

1. Rogers, p. 355.

2. Stow, p. 192.

3. Arnot, pp. 320-1.

4. G.M. Fraser - The Lone Shieling; Aberdeen; 1908, pp. 204-5.

threatened to exhibit London's most notorious women gamblers - Lady Archer, Lady Buckinghamshire and Lady Mount Edgecombe - in the pillory, if they should ever come before him, 'though they should be the first ladies of the land.'¹

The pillory was the statutory penalty for a first offence of fornication in Scotland.² For a second conviction the woman was further humiliated by having her head shaved. In 1701 a woman at Ayr was sentenced 'to stand at the Fish-cross, between the hours of eleven and twelve, with the locksman beside her, who is to shave her head in presence of the people.'³ Women exposed in the pillory were anyway in a very vulnerable position. In the Marlborough pillory,⁴ once they had been 'firmly fastened into the frame, which turned on a swivel' they were left to escape as best they could 'the various kinds of missiles which were indiscriminately showered...by the surrounding multitude.' The ordeal of Eleanor Beare, described by Jewitt,⁵ was no unusual occurrence. In 1752 an old woman was sentenced to the pillory before being transported,⁶ and in England the pillory continued in use until 1815,⁷ when it was abolished except for perjury and subornation. It finally ceased to be used as a punishment in 1837.⁸

In Europe similar forms of public exposure were frequently used.⁹

1. Griffiths - Newgate, p. 92.

2. Arnot, p. 320.

3. Rogers, pp. 366-7.

4. The Reliquary - ed. Llewellyn Jewitt; London; Vol. I (1850-1), p. 217.

5. Ibid, pp. 215-6.

6. Ibid, p. 221.

7. Griffiths - Newgate, p. 63; 56 Geo. III c. 138.

8. 7 Will. IV and 1 Vict. c. 23.

9. Von Bar, p. 111; Hampe, pp. 112, 119-120.

In 1564 a woman accused of immorality in Holland¹ was pilloried, 'and afterwards, preceded by a fife and drum corps, escorted to the brothel in Peter Jacob's alley.' In 1580 three prostitutes were banished² after they had been exposed and doused with water; and a typical case of this period is that of Tryn Peters,³ a notorious Dutch woman criminal of the 17th century. She was 'exposed on the scaffold' four times between 1609 and 1617, and received numerous sentences, ranging from whipping and having her ears cut off to banishment for seventy-five years, before she was eventually executed by strangling.

The Ducking-Stool

By the end of the Middle Ages, three forms of punishment had been developed, which entailed women being strapped in a chair, and then humiliated in various ways. These three forms are easily confused, and the terms 'Cuck Stool', 'Tumbrell' and 'Ducking-stool' are often used as if they were interchangeable. In fact, three quite distinct methods of using a 'stool' for the purpose of punishment existed during this period.

The Cuck-stool - in which a woman was seated in a public place or before her own door - was the earliest form in general use in Britain. In the 16th century, the magistrates at Leicester issued an order⁴ 'that scoldes be punished by the mayor of a Cuck-stool before their own door, and then carried to the four gates of the town.' In Scotland, in 1555, the Queen Regent ordered 'itinerant singing

1. Sellin, p. 6.

2. Ibid.

3. Ibid, p. 101.

4. Andrews, p. 2.

women' to be set in 'cuck-stoles'.¹

A Tumbrell - or 'Scolding-cart' - was a moveable version of the Cuck-stool, and was used for trundling the offender round the town or village where she lived. The Tumbrell could be used merely as a vehicle, but it was frequently constructed so that the woman could also be 'ducked'. The Wootten Bassett tumbrell² had long shafts. When the procession reached the pond, 'the shafts were then let go, and the scold thus tipped backwards into the water, the shafts flying up, and being recovered after the immersion by means of the ropes attached to them.'

The Ducking-stool developed from both these forms of punishment. It might have shafts similar to a tumbrell, as in Leominster,³ where the stool was fixed at the end of a beam 23 feet 6 inches long, so that, during her journey, ^{the woman} was exposed to view at the level of the first floor windows. In Leominster it was the custom to duck the victim 'in three different parts of the town, and wheel her, dripping wet, from one place to the other, and home again.' The stool could also be fixed by the bank of the river or pond, and generally worked on a see-saw principle. Misson,⁴ in the 17th century, described the procedure. 'La manière de punir les femmes querelleuses et débauchées est assez plaisante en Angleterre. On attache une chaise a bras a l'extrémité de deux espèces de solives, longues de douze ou quinze pieds et dans un éloignement parallele, en forte que ces deux pieces de bois embrassent par leurs deux bouts voisins, la chaise

1. Jewitt, p. 146.
 2. Ibid, p. 150.
 3. Ibid, p. 151.
 4. Misson, pp. 40-1.

qui est entre-deux, et qui est attachée par le côté comme avec un essieu, de telle manière qu'elle a du jeu, et qu'elle demeure toujours dans l'état naturel et horizontal auquel une chaise doit être, afin qu'on puisse s'asseoir dessus, soit qu'on l'élève, soit qu'on l'abaisse. On dresse un pôteau sur le bord d'un etang, ou d'une rivière, et sur ce pôteau on pose presque en équilibre, la double pièce de bois à une des extrémités de laquelle la chaise se trouve au dessus de l'eau. On met la femme dans cette chaise, et on la plonge ainsi autant de fois qu'il a été ordonné, pour rafraichir un peu la chaleur immodérée.'

Usually one or two duckings were considered sufficient. A woman in Chesterfield,¹ however, 'having used very bad language, and sworn terribly on emerging from the water the second time, was again ducked, and this time came up again cooled and penitent.' The principle seems to have been suitably expressed by Benjamin West in 1780:²

'And, rather than your patience lose,
Thrice and again repeat the dose.
No brawling wives, no furious wenches,
No fire so hot, but water quenches.'

Occasionally the ducking could be avoided by payment of a fine. In the reign of Elizabeth, Jane Johnson,³ 'adjudged to the ducking-stool for scolding' was discharged upon payment of about five shillings; and in 1602⁴ a woman was excused her sentence of ducking in Scotland on payment of 'ten markis of penaltie.' Like all such punishments, the severity of a 'ducking' depended greatly upon the

1. Jewitt, p. 147.

2. Quoted Jewitt, p. 155.

3. Andrews, p. 8.

4. Rogers, p. 366.

mood of those who administered it. They were poorly paid for their services. At Gravesend, in 1636,¹ the Porters received 2s. 'for ducking of Goodwife Campion.' Duckings were seldom administered gently; but in 1731,² after a woman, sentenced by the Mayor of Nottingham for immorality, had been left to the mercy of the mob and ducked so severely that she died, there was a public outcry. The Mayor was prosecuted, and the court ordered the stool to be destroyed.

Even in the latter part of the 18th century the ducking-stool was frequently used in the North of England. In Scotland it seems to have been the punishment for immorality, rather than scolding. A woman convicted of fornication for the third time³ was liable to be fined L 100 Scots, and 'thrice ducked in the deepest and foulest pool in the parish' - after which she was banished from the district. In 1596,⁴ 'the Glasgow Kirk Session procured "ane cart for harlots" and had "ane pulley" attached to Glasgow bridge, whereby adulterers might be "duckit" in the Clyde.' In England, as late as 1817, Sarah Leeke was sentenced to a ducking and paraded through the town. The water was too low, however, and she escaped punishment. The last occasion when a ducking was actually carried out in England was in 1809. In that year Jenny Pipes was paraded through the town of Leominster, and ducked near Kenwater Bridge.⁵

The Branks

In the Reliquary of 1860-1 Llewellyn Jewitt⁶ collected many

1. Jewitt, p. 153.

2. Ibid, p. 155.

3. Arnot, p. 320.

4. Rogers, p. 364.

5. Griffiths - Newgate, p. 65; Andrews, p. 35.

6. Jewitt, p. 65.

engravings of what he described as 'the "Brank", that curious and exquisitely cruel instrument, by which borough physicians sought to cure women of an ailment of the tongue.' The Branks were probably of continental origin,¹ similar to instruments used by the Inquisition, but although examples can be found throughout Britain they never seem to have been a legal punishment. To support the theory that the branks were imported into England from Scotland, there is evidence of women being 'brankit' in Glasgow in 1574; and even earlier in the 16th century, Bessie Tarliefair was condemned to this punishment in Edinburgh, for accusing a bailie of 'keeping ane false stoup.'² The earliest record of its use in England was by the Corporation of Macclesfield in 1623.³

Although there were variations in pattern, the structure of the majority of branks was basically the same. An iron framework, shaped like a helmet or crown, was fitted on the offender's head, so that her mouth was filled by a metal gag, either smooth, pointed, or with a sharp cutting edge.⁴ The branks were opened 'by throwing back the sides of the hoop, and the hinder part of the back, by means of the hinges. The constable, or other official, would then stand in front of his victim, and force the knife, or plate, into her mouth, the divided band passing on either side her nose, which would protrude through the opening. The hoop would then be closed behind, the band brought down from the top to the back of the head, and fastened down

1. Andrews, p. 39.

2. Rogers, p. 356; Jewitt, p. 69.

3. Andrews, p. 38.

4. Jewitt, pp. 67-8.

upon it...and thus the cage would at once be firmly and immoveably fixed so long as her tormentors might think fit.' The Stockport branks¹ were contrived so that when fitted on they were almost bound to cause serious injury to the tongue; the gag widened out into a bulbous end, from which nine sharp iron pins projected in all directions. A woman risked serious mutilation if she attempted to speak, or indeed to move her tongue at all, once she was enclosed in any form of branks.

The purpose of the branks was to confine and immobilise the tongue. They were often called the 'Scold's Bridle' or the 'Gossip's Bridle', the word 'bridle' referring not only to the appearance of the branks, but also the way in which they were used. After the branks had been fitted on, women were paraded through the streets² on a chain held by the local jailor, constable or beadle. This chain was usually attached to the back or side of the branks, but might be fixed to the front - as in the Stockport branks - so that the woman was 'led by the nose' through the town. It seems probable that the Altrincham branks³ used on a woman of violent temper, who refused to walk and was eventually wheeled through the town in a barrow, had their chain attached to the side. Resistance to any of the more severe forms of branks, especially when the chain was attached to the front of the helmet, must have been almost impossible. The punishment was sometimes limited to a parade; on other occasions the offender was tied for a specified time to the

1. Ibid, p. 77.

2. Ibid, pp. 71, 77.

3. Andrews, pp. 47-8.

pillory or whipping-post. She was then released,¹ 'maimed, disfigured, bleeding, faint and degraded, to be the subject of comment and jeering among her neighbours, and to be reviled at by her persecutors.'

In England, prostitutes might on occasions be punished by the branks. At Bolton-le-Moors² 'the bridles were fixed in their mouths and tied at the back of their heads with gay ribbon, and thus the frail ones were paraded from the cross to the church steps and back again by the parish beadles.' 'Coloured ribbons and papers' and 'a bunch of ribbands at the top' also decorated the branks used in Manchester.³

In general, however, the branks were used for 'scolding' or abuse. In 1574⁴ Marione Smyt and Margaret Huntare were condemned to be 'brankit' in Glasgow for scolding, and in 1684,⁵ at Dunfermline, Margaret Nicholsone was sentenced 'to stand and the branks on her mouth the next Friday, being the mercat day, two houris before noone, for hir comon scolding and drunkenness, and that to the public example of utheris.' In 1741⁶ Elizabeth, wife of George Holbourn, was also condemned for two hours to the branks, at the Market Cross of Morpeth, for using 'scandalous and opprobrious language to several persons in town.' Brushfield mentions 1824 as the year in which the Congleton Brank was used for the last time, according to an account preserved in the Town Hall. This account is of interest as it shows

1. Jewitt, p. 66.

2. Ibid, p. 75.

3. Ibid.

4. Rogers, p. 356; D. Wilson - The Archaeology and Prehistoric Annals of Scotland; Edinburgh; 1851, p. 692.

5. Rogers, p. 360.

6. Jewitt, p. 73.

that the punishment was used privately as well as publicly. In spite of their undoubted cruelty, the convenience of the branks as a penalty probably accounted for much of their popularity. 'In the old-fashioned half-timbered houses in the borough, there was generally fixed on one side of the large open fire-places, a hook, so that when a man's wife indulged her scolding propensities, the husband sent for the town jailor to bring the bridle, and had her bridled and chained to the hook until she promised to behave herself better for the future.... The Mayor and the Justices frequently called the instrument into use; for when women were brought before them charged with street brawling, and insulting the constables and others while in the discharge of their duty, they have ordered them to be bridled and led through the borough by the jailor.'¹

To stifle speech was also the purpose of the 'Witch's Branks or Bridle', used at Forfar in Scotland, not as a punishment but as a means of restraint for women condemned to death for witchcraft on their way to execution. According to Wilson² 'the object aimed at in applying so dreadful a gag was not so much the purposed cruelty which its use necessarily involved, as to prevent the supposed possessors of such unearthly gifts from pronouncing the potent formula by means of which it was implicitly believed they could transform themselves at will to other shapes, or transport themselves where they pleased, and thus effectively outwit their tormentors.'

Mutilation and Branding

By the end of the 16th century mutilation was seldom used as a

1. Ibid, p. 76.

2. Wilson, p. 693.

punishment in Europe - although in 1612 the notorious Dutch criminal, Tryn Peters,¹ after many years of crime and a variety of punishments, was sentenced to be exposed on the scaffold, banished for life, whipped, branded, and to have her ears cut off. It also appears that at the beginning of the 18th century the penalty of cutting off the hand still existed in parts of Germany.² Olaus Petru, the great sponsor of the Protestant Reformation in Sweden, expressed the growing realisation that mutilation was of limited value as a punishment, quite apart from its cruelty and barbarity. He wrote in his 'Rules for Judges'³ - 'As occurs in the case of those who have stolen, they stand on the scaffold, lose their ears and are banished from the community; if such persons go to other lands where no one knows them and wish to reform and conduct themselves well, they are never trusted. The punishment is a hindrance to him who is punished and he becomes desperate and worse than before. It might have been better for him to lose his life immediately.' In England, however, at the end of the 16th century, mutilation still remained the penalty for anyone who caused bloodshed or committed murder within the limits of a royal residence. Those convicted of this crime could be sentenced to lose their right hand. In Scotland, also, Hume⁴ recorded that, in 1702, Jean Spence - 'a notour thief' - was 'pillored, her lug nailed and her nose pinched' - but these were isolated instances.

The limitations pointed out by Petru applied equally to the

1. Sellin, p. 101.

2. Von Bar, p. 238.

3. Quoted Sellin, p. 15.

4. D. Hume - Commentaries on the Law of Scotland; Edinburgh; 1844, ed.; II, 488.

punishment of branding, especially if the brand were on the face. In 1547¹ it was laid down that anyone arrested as a vagabond should be branded with a 'V' on the breast, and become a slave for two years. Attempts to escape were punished by a second branding - of an 'S' on the cheek. In 1623 an Act of James I,² observing that women often suffered death 'for small causes', provided that a woman convicted of 'the felonious taking of any money, goods or chattels above the value of twelve pence, and under the value of ten shillings...shall for the first offence be branded and marked in the hand, upon the brawn of the left thumb with a hot burning iron, having a Roman T upon the said iron; the said mark to be made by the gaoler openly in the court before the Judge.'

By the end of the 17th century, however, there were doubts whether brands made on the hand or on the breast were sufficiently visible badges of shame. In 1699, therefore, an Act³ was passed providing that branding should henceforth be on the face, 'in the most visible part of the left cheek nearest the nose.' This punishment was to be 'inflicted in open court, in the presence of the Judge.' The results of this harsh law were exactly what Petru envisaged in his Rules. A woman with a brand on her cheek found it almost impossible to find employment or to bury her past, and became 'desperate and worse than before.' As a result public opinion eventually changed its views, and in 1706⁴ the Act was repealed. In 1717⁵ a sentence of transportation for seven years replaced branding

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1. 1 Edw. VI c. 3.
 2. 21 Jac. I c. 6.
 3. 10 and 11 Will. III c. 23.
 4. 5 Anne c. 6.
 5. 4 Geo. I c. 11.

on the hand; and in 1799¹ branding - after plea of clergy - was finally abolished. Anyone sentenced to be branded could now escape this punishment by electing to be fined or whipped instead.

In Scotland branding was frequently used as a penalty. In 1549² Issobella McFerlane was sentenced to be branded on the cheek for fire-raising, and was then banished from the stewartry of Stratherne. The instrument used for branding women was known as 'the key'. In 1544,³ Issobell Gowinlock was sentenced to be banished from the burgh of Haddington, with the threat that if she returned, 'the key' would be 'sett on her cheik.'

Throughout Europe branding was also a common punishment, and in many countries brands were inflicted across the body and on the shoulders, as well as on the face and hands. Van der Linden⁴ records a gradation of punishments for theft in Holland during the 18th century. For the first offence, a woman was whipped and branded; for the second offence, she was whipped, branded and banished; and for the third offence, she was hanged. In France,⁵ branding was seldom imposed as a punishment in itself. It was generally combined with a sentence of whipping. In Germany,⁶ however, branding was used liberally for both men and women.

It may be mentioned here that after the 'peine forte et dure' had been abandoned in England, in the early 18th century, the milder torture of tying the thumbs with whipcord in open court - which had

1. 39 Geo. III c. 45, following 19 Geo. III c. 74.

2. Pitcairn, I, p. 346.

3. Rogers, p. 65.

4. p. 343.

5. Von Bar, p. 273.

6. Ibid, p. 253.

formerly been used as a substitute - still continued in use.¹ In 1721, Mary Andrews² was forced to confess by this means, and the practice was not abolished until 1772.³

Whipping

During this period, whipping remained the most common form of corporal punishment used throughout Europe.⁴ Huber⁵ noted that in Holland it was always accompanied by banishment, and often by confinement for a term in the house of correction. According to Van der Linden⁶ it was the punishment for perjury, bigamy, theft, and all forms of immorality. Howard found many examples of whipping, during his travels in Europe. He observed that, in the house of correction at Utrecht,⁷ women who had been publicly whipped were separated from the rest of the prisoners. In Denmark⁸ women convicted of child-murder were whipped annually, at the scene of their crime and on the anniversary of the day it had been committed. In Russia⁹ Howard witnessed the punishment of the 'knoot'. The woman received twenty-five strokes, and, not surprisingly, was 'in a very weak condition some days after.' In France,¹⁰ in cases where men would have been consigned to the galleys, women were either sentenced to life imprisonment, or whipped and then banished for life.

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1. J.F. Stephen - History of Criminal Law of England; London; 1883, Vol. I, p. 300.
 2. O'Donnell, p. 166.
 3. 12 Geo. III c. 20.
 4. See Von Bar, pp. 252-3; Hampe, p. 84, regarding whipping in Germany.
 5. p. 467.
 6. pp. 314, 355.
 7. pp. 59-60.
 8. Ibid, p. 76.
 9. p. 86.
 10. Von Bar, p. 270.

In Scotland, as late as 1758, Agnes Blyth¹ was whipped through the city of Edinburgh for hen-stealing, before being banished. In England, whipping had always been a popular penalty. The statutes against vagrants, in Henry VIII's and Elizabeth's reigns, did not differentiate between the sexes. Provisions that vagrants² 'should be stripped naked from the middle upwards, and whipped till the body be bloody' applied to women, young and old. For such whippings the constable was paid 4d., although later this was raised to one shilling. Whipping could also be ordered for women who begged, or were found to be suffering from small-pox; and for those arrested as being 'distracted' or insane. During the years 1690-1 a charge of 8s. 6d. is recorded in Huntingdonshire,³ for 'taking up a distracted woman, watching her and whipping her next day.' Women might be whipped at a post set up by the stocks, or at the 'cart's tail'. In 1764⁴ 'a woman described as "an old offender" was conveyed in a cart from Clerkenwell Bridewell to Enfield, and publicly whipped at the cart's tail by the common hangman, for cutting down and destroying wood in Enfield Chase. She had to undergo the punishment three times.'

In England the practice of whipping women in public was not finally abolished until 1817.⁵ Three years later, in 1820,⁶ whipping in private was also made illegal.

Banishment and Transportation

In 1604 the right of sanctuary was abolished in England,⁷ but

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1. Rogers, p. 66.
 2. 27 Hen. VIII c. 25.
 3. Andrews, p. 156.
 4. Ibid, pp. 156-7.
 5. 57 Geo. III c. 75.
 6. 1 Geo. IV c. 57.
 7. 1 Jac. I c. 25, s. 34.

throughout this period offenders could still escape punishment by voluntary exile. Compulsory 'transportation', however, originated in the early 16th century, when an Act of Elizabeth¹ provided for the 'banishment of rogues'. James I² ordered one hundred 'dissolute persons' to be sent to Virginia; and in 1662 the word 'transport' first appeared in a statute. Justices of the peace (at their quarter sessions) were given powers³ 'to transport, or cause to be transported, such rogues, vagabonds, and sturdy beggars, as shall be duly convicted and adjudged to be inorrigible, to any of the English plantations beyond the seas.' At first felons were expected to transport themselves overseas, within a certain time, and were hanged if they failed to do so, but it was soon found necessary to hasten them on their way. Transportation was not, however, a punishment in itself, and convicted men and women received a pardon, on condition that they left the country.

In 1717⁴ an Act of George I substituted seven years transportation to 'His Majesty's Colonies and Plantations in America' for burning in the hand and whipping. The Act commented on the inefficiency of existing punishments, and pointed out the great lack of servants in the American colonies and plantations. From then on, the justices handed over convicted felons to contractors,⁵ whose task it was to ship them across the Atlantic. The contractors had a right in the labour of the convicts - for terms of seven or fourteen years - and sold this right by public auction in America. Transportation

1. 39 Eliz. c. 4.

2. A. Griffiths - Memorials of Millbank; London; 1884, p. 6.

3. 13 and 14 Car. II c. 12.

4. 4 Geo. I c. 11.

5. W. Clay - The Prison Chaplain; Cambridge; 1861, pp. 52-4.

became, in fact, a branch of the slave-trade, and it was only when the African slave-trade brought even cheaper labour to the Colonies that the trade in convicts languished. The convicts were now unwelcome to the free settlers, and by 1776 Parliament had become less enthusiastic about the transportation to the 'Colonies and Plantations in America.' It was¹ 'found to be attended with various inconveniences, particularly by depriving the kingdom of many subjects whose labour might be useful to the community.'

In Scotland a woman could be banished from the whole country, or from a particular locality.² In 1549 Issobella McFerlane,³ convicted of fire-raising, was condemned to be branded 'and thereafter to be banished from the stewartry of Stratherne, under pain of Drowning;' and Jonet Cuthbert,⁴ convicted of adultery in 1617, was banished 'from the burgh of Edinburgh and twelve miles round.' A woman convicted of fornication for the third time was banished from the district for life; but the sentence passed on Agnes Mullikane,⁵ in 1563, for witchcraft, and on Ann Blyth,⁶ in 1758, for hen-stealing, involved banishment from the whole of Scotland.

In Holland - as in most European countries - banishment was a popular and convenient penalty, and was widely used in the 16th and 17th centuries. Courts were not greatly concerned with the future of women sentenced to this punishment, provided they ceased to be a burden on the city, locality or country as a whole. In the 17th

1. 16 Geo. III c. 43.

2. See generally Hume, I, 354-65; II, 485-88.

3. Pitcairn, I, p. 346*

4. Ibid, III, p. 428.

5. Ibid, I, p. 432*

6. Rogers, p. 66.

century Huber¹ observed that banishment was 'seldom imposed as a punishment in itself, but goes along with whipping and branding, on pain of the gallows (in case of return); sometimes along with previous confinement in the house of correction for ten years, which among us is considered the nearest punishment to death.' He described a case where a girl convicted of exposing her child² 'stood for half an hour on the scaffold with a doll round her neck, and was banished for five years. She would also have been whipped if she had not got into the family way so young.' Ten years was the longest period of banishment in Holland at this time.³ For adultery the period was five years,⁴ although later it was increased to fifty.⁵

Banishment was often the sequel to whipping or branding,⁶ but during this period many women were whipped or branded for breaking a sentence of banishment. Tryn Peters,⁷ before she was finally executed in 1617, had been banished from Amsterdam in 1606 for three years, in 1608 for fifty years, in 1609 again for fifty years, in 1610 for seventy-five years, and in 1612 for life. In Europe women were often banished for offences where the penalty provided for men was not suitable for females. In France,⁸ women were whipped and banished from the country in cases where men, convicted of similar offences, would have been consigned to the galleys.

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1. II, p. 466.
 2. Ibid, p. 432.
 3. Ibid, p. 466.
 4. Ibid, p. 420.
 5. Van der Linden, p. 354.
 6. Huber, II, p. 467.
 7. Sellin, p. 101.
 8. Von Bar, p. 270.

Fines

As the power of central governments increased during this period, money composition for wrongdoing, fixed as a result of private settlements, fell into disuse. State-imposed fines, divided between the court and the injured person, took their place. Von Bar¹ observed that 'as the State comes to regard the sheer criminal impulse as the chief element in crime, the fine, as a punishment, disappears, and true punishments take its place.'

In France² a fine was seldom imposed as a punishment by itself, but was usually combined with some other penalty. Fines were a powerful weapon in the hands of magistrates, who could order imprisonment in cases where payment was not made. The amount of money women offenders were required to pay was, in fact, quite small, but in Europe at this time ready money was short, and conditions of extreme poverty prevailed in most countries. Payment of even a small sum could, therefore, cause considerable suffering to those with little money.

Only minor offences were punished in this way - offences against the moral code, and those which caused some breach of the peace. In Scotland, an Act of James VI, in 1567,³ laid down a tariff of fines for fornication. For a first offence a woman must pay L40 Scots, and stand two hours on the pillory; for a second offence the fine was raised to 100 merks, and her head was shaved; while for a third offence she was fined L100 Scots, and then ducked

1. Ibid, p. 275.

2. Ibid, p. 276.

3. A.P.S. III, c. 14, 25.

and banished. In 1645¹ an Act passed against 'swearing, drinking and mocking of piety,' graduated the rates of fines according to rank. A nobleman convicted for the second time was liable to pay twenty pounds, a baron twenty merks, a woman forty shillings, and a servant twenty shillings. If the woman was married, however, her delinquency was rated according to the rank of her husband. This Act also mentioned the husband's legal liability to pay his wife's fines. This liability existed in most countries of Europe.

As the old severe penalties for adultery fell out of use, fining often took their place, as in Holland, where it was combined with banishment. In the 17th century the rate was fifty guilders, followed by five years banishment,² but by the end of the 18th century the fine had risen to one hundred guilders, and the period of banishment to fifty years.³ Such fines were normally paid by the male offender. In England, Blanche Cowper,⁴ convicted of adultery in 1638, was fined £100. Her sentence also included penance and a period of confinement in Bridewell. A woman convicted of a minor offence, by paying a fine, could sometimes avoid a more severe penalty. As has been mentioned, Jane Johnson,⁵ in England, avoided a 'ducking' by paying about five shillings; and a woman was excused a similar sentence in Scotland, in 1602,⁶ after she had paid 'ten markis of penaltie.'

1. A.P.S. VI, Pt. I, c. 49, 458.

2. Huber, II, p. 420.

3. Van der Linden, p. 354.

4. Griffiths - Newgate, p. 41.

5. Andrews, p. 8.

6. Rogers, p. 366.

Chapter 5

HOUSES OF CORRECTION

During the 16th century, the breakdown of the feudal system brought confusion to many countries in Northern Europe. Movements of population from country areas to urban communities continued to increase, while the growing number of paupers and vagrants no longer had the monasteries to care for them. Large cities, facing an invasion of men and women whose only asset was their labour, observed with alarm that many of these migrants were idle and disorderly. It was fortunate for the vagabonds and 'sturdy beggars' that an awakening interest in religion and in classical learning suggested to lawyers and statesmen that milder punishments should be substituted for the severe penalties which had been imposed so often for minor offences in the past.

Observers such as Vives,¹ writing at the beginning of the 16th century, were well aware of the problems which their countries faced at this time. 'When the good disposition of many is suppressed, because they have not enough to live on, some are driven to robbery, in the cities and on the highways; others steal secretly. Women in their prime, setting aside their modesty, do not seek to keep their virtue, but sell it cheaply, wherever they are, nor can they be diverted from this evil way of life.' Vives and his contemporaries still considered banishment and corporal punishment suitable penalties for men and women who persisted in begging and thieving, or who were

1. J.L. Vives - *de subventionem pauperum*; Lud. Vivis. Opera; Basle; 1555, Vol. 2, p. 910.

unable and unwilling to find work.

The revival of learning, however, brought a knowledge of the works of classical writers to leaders of opinion in Europe. In the field of criminal law, the views of Seneca and Plato, in particular, seemed to challenge the indiscriminate use of corporate and capital punishment. Seneca's views on imprisonment were, indeed, far in advance of those to be found three centuries later in Europe; and his opinion that penalties should be graduated and mild,¹ so that the offender should not be dishonoured, disturbed many legislators of the 16th century. Plato maintained that, to be successful, punishment must either reform the offender, or reform those who beheld it.² He envisaged a complete system of punishment, including imprisonment. In his view there should be three different forms of prison,³ 'one public prison near the market for most cases, to secure the persons of the average criminals; a second, situated near the assembly-room of the officials who hold nightly assemblies, and named the "reformatory"; and a third, situated in the middle of the country, in the wildest and loneliest spot possible, and named after "retribution."' The establishment of 'reformatories' or 'houses of correction', to solve the problem of the petty offender, was the main innovation in the history of punishment during the 16th century.

The first 'house of correction' was established in England in 1553, when Edward VI handed over the old royal palace of Bridewell to the nation. There 'the vagabond and ydle strumpet' were to be

1. Seneca - de Clementia, I. 17.

2. Georgias, 480. c. 36.

3. The Laws, (Book X, 908,) trans. Loeb; London; 1926 - Vol. II, p. 379.

'chastised and compelled to labour, to the overthrow of the vicious life of ydleness.'¹ It was hoped that not only would they be reformed but that their example would deter others from idleness and vagrancy. Skilled women were employed in the nail house and at carding and spinning; others worked in the mill and bakehouse.² Bridewell formed part of the Poor Law system of the country. While the aged and impotent poor continued to be maintained by their parishes,³ the purpose of houses of correction was to deal with men and women who wandered from town to town and refused to work.

Bridewells were established in 1562 at Oxford,⁴ in 1564 at Salisbury, and in 1565 at Norwich. After their position had been given legal recognition in 1572,⁵ about two hundred were set up throughout England. At first inmates earned wages for their work, as was the custom later in the Spinhuis at Amsterdam.⁶ To provide for their maintenance they had to complete certain tasks, and were paid for any additional work. Women found guilty of disciplinary offences were put in irons, or compelled to do extra work. They could also have their sentences increased for indiscipline.⁷ The rules for Norwich Bridewell,⁸ in 1571, laid down that a place of work should be provided for men and for women, the women to be employed in

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1. A. Van der Slice - Elizabethan Houses of Correction; Jour. of American Inst. of Criminal Law and Criminology, XXVII (1936-7), p. 50.
 2. A.J. Copeland - Bridewell Royal Hospital, Past and Present; London; 1888, pp. 45-52.
 3. By 22 Hen. VIII c. 12 'poor, aged and impotent persons' could be licensed 'to beg within a certain precinct.'
 4. Van der Slice, p. 53.
 5. 14 Eliz. c. 14.
 6. Sellin, p. 97.
 7. Van der Slice, p. 45.
 8. W. Hudson and J.C. Tingey - 'Orders for the Poor,' Records of the City of Norwich; Norwich; 1910, II, pp. 247 ff.

carding and spinning. Rates of payment for work were to be fixed, and the Bailie in charge had powers to subtract from the inmates' wages the cost of their meals. Hours of work were from 5 a.m. to 8 p.m. in summer, with a quarter of an hour set aside for prayer, and half an hour for eating. In winter work began an hour later, and might finish an hour earlier.

In certain Bridewells the sentences served by women were surprisingly long. At Winchester¹ women were detained for five years and taught a skilled trade. Three years were devoted to instruction in this trade and two to earning money, in order to repay the institution. Women could learn a variety of trades, including spinning, carding, sorting wool, knitting, and dressing flax. Any woman who fell ill and was unable to work was given a small allowance during her illness.

At first houses of correction in England seem to have fulfilled their three tasks - of reformation, deterrence and self-support - adequately and efficiently. Coke wrote in his Institutions² that 'few or none are committed to the common gaole...but they come out worse than they went in. And few are committed to the house of correction or working house, but they come out better.' By the end of the 16th century, however, their position had deteriorated. Through apathy and disinterest on the part of the public and of the courts the opportunity for progress was lost, and Britain became one of the most backward countries in Europe, so far as penal institutions were concerned. There is no evidence that the early Bridewells

1. 63 Vict. Hist. 'Hants'; V, p. 424.

2. II, p. 734.

influenced the establishment of Houses of Correction in Holland at the end of the 16th century,¹ although they had many characteristics in common. They both catered for the same classes of persons, applied the same disciplinary measures, and stressed the corrective influence of labour. Regarding the influence of the Dutch houses of correction on the rest of Europe, however, there can be no doubt. In Holland the idea of 'correction' was given² 'form and substance, far beyond the accomplishments, if not the dreams of its English protagonists.'

During the 16th century, the Protestant Reformation in Northern Europe combined with the increased study of classical literature to encourage new experiments in penal reform. Now that the Bible could be read in the vernacular, it became clear to many men and women that contemporary treatment of offences such as theft was far more severe than anything mentioned in the New Testament. On religious as well as on practical grounds it seemed desirable that the labour of unco-operative citizens should be used for the good of the community; and that such labour should be substituted for mutilation and corporal punishment. Offenders should, if possible, be transformed into useful citizens, and led back to society, not excluded from it.

At the end of the 16th century, the citizens of Amsterdam were particularly concerned to provide sufficient labour for their ever-increasing mercantile expansion. This concern that all men and women should work and contribute to the community's wealth - even against their will - undoubtedly encouraged the establishment of

1. Sellin, pp. 20-1; Van der Slice, p. 47.

2. Sellin, p. 12.

houses of correction in the city. In 1596, a year after the Rasphuis had been established for men, the city council debated¹ 'whether it would not be desirable to search for a good location for a spinhouse, in which young girls and others who are idle or begging could be employed in spinning wool and earn their maintenance.' The woollen merchants promised a good market for the products of such an institution, and eventually the council decided that the plan was 'a very good and Christian enterprise.' In 1597 the 'Spinhuis' for women was opened. Above the doorway of the original house was the motto,² 'As may be here seen, the Spinhouse has been instituted to lead poor girls, maidens and women away from begging, idleness and wrong paths; let none fail or regret the lending of a hand here, for who knows what may be in store for himself or his kin.' The Spinhuis was, in fact, a workhouse for the poor. Part of the original building was used as a lying-in hospital for poor women, and the first governors, or 'regents', were called 'overseers of the poor.'³

It was not long, however, before the character of the institution, and of its inmates, showed signs of change. By 1608 the Venetian ambassador referred to it as a house⁴ 'for evil women, who are detained there for varying periods, depending on their guilt;' and, according to John Evelyn,⁵ by 1641 it had become 'a kind of bridewell, where incorrigible and lewd women are kept in discipline and labour.' In 1643 the original building was burnt to the ground.

1. Ibid, p. 87.

2. Ibid, p. 88.

3. Ibid, pp. 90-1.

4. Ibid, p. 91.

5. J. Evelyn - Diary and Correspondence; London; 1850, p. 22.

It is significant that, when it was rebuilt in 1645, the motto above the door now read,¹ 'Fear not! I do not exact vengeance for evil, but compel you to be good. My hand is stern, but my heart is kind.'

This new building contained accommodation for seventy-eight women.² They slept in three dormitories, each divided into ten cubicles. In eight of these were beds for twenty-four women, three in a bed. The old or ill slept alone in the other two cubicles of each room. Above the dormitories was a large workroom, divided into two parts, one for linen seamstresses, and one for spinners. Originally the main work of the women was spinning yarn for the weaving trade; but, when this trade declined, sewing linen and knitting nets took its place. Though there are few records of its actual administration, discipline was probably stern. In 1752 a visitor observed that 'the one who does not do her task is whipped.'³

From the end of the 16th century until 1788, when the Spinhuis ceased to be used for 'correction', the majority of visitors - with a few exceptions - seem to have been impressed by the orderly manner in which the house was administered. After Howard's visits in 1776 and 1781 he wrote⁴ that 'in this house you might see a number of criminals...some of whom had been the most abandoned, sitting in the presence of the mother, quiet and orderly at their different forms of work; spinning, plain work etc.' After 1654, when beggars and petty offenders were transferred to the New Workhouse,⁵ the inmates were generally women sentenced for serious offences. In 1633

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1. Sellin, p. 88.
 2. Ibid, pp. 89-90.
 3. Ibid, pp. 94-5.
 4. Howard, p. 60.
 5. Sellin, p. 95.

mention is made of a woman in the Spinhuis serving a life sentence¹ - which was very unusual in Holland - and women serving long sentences were undoubtedly confined there, generally after additional punishments such as whipping or exposure on the scaffold. On the whole, however, the majority of the women were serving short sentences. They were paid wages for their work² so that the institution should be self-supporting, and, in fact, the Spinhuis acquired considerable wealth.

There seem to have been four main classes of women confined in the Spinhuis³ - prostitutes, thieves (sentenced to this punishment after being publicly whipped, exposed on the scaffold or branded), women sentenced for being drunk and disorderly, and women whose families had petitioned to have them confined there. This last group - of⁴ 'women, who have been sent to the house by their elders or friends, because of their uncontrolled conduct, and with the authorisation of the court' - was segregated from the rest, and their maintenance was paid, generally by relatives. In 1663 there were attempts at further segregation. A visitor to the Spinhuis noted⁵ that 'here, in separate cells, those are corrected who cannot be kept to their duties by parents or husbands. In the congregate imprisonment there are three sections (dormitories) of prisoners; one for the drunks; one for the prostitutes from public brothels; and one for those whipped in public.' The workroom was also divided, to keep those who had been whipped and exposed apart from the rest.

1. Ibid, pp. 92-3.

2. Ibid, p. 97.

3. Ibid, p. 92.

4. Ibid, p. 91.

5. Ibid, p. 92.

In spite of the elaborate arrangements made for administering the Spinhuis, visitors to Amsterdam often felt that many of the city's women offenders never reached its door,¹ and slipped through the correctional net. Amsterdam continued to be famous for its prostitutes; and it was suggested that these women were never committed to the Spinhuis unless they were without a² 'powerful protector, or could not satisfy the greed of the high bailiff, to whom they made an annual payment.' The history of Tryn Peters³ shows that, whereas she was banished five times, exposed on the scaffold four times, whipped three times, had her ears cut off, and was branded twice, she was only once sentenced to a spin-house. This sentence was imposed far too late for her to profit by any training she might have received there. Three years after her release from the spin-house she was put to death by strangling.

The fame of the Amsterdam Houses of Correction soon spread throughout Europe. In 1618 a house of correction was established at Hamburg, and in 1629 one was established at Danzig. To deal with the problem of beggars, Gustavus Adolphus ordered the erection of such houses in all the provinces of Sweden. In 1698 a statute described the house in Stockholm as a rasp and spin-house.⁴ Houses were set up in 1670 at Vienna, in 1682 at Munich, and in 1691 at Königsberg.⁵ In Spain,⁶ de Herrera suggested the establishment of 'houses of labour', in 1598, where women should work at spinning,

1. Ibid, p. 98.

2. Ibid.

3. Ibid, p. 101.

4. Ibid, p. 105.

5. Van der Slice, p. 46.

6. Sellin, pp. 105-6.

weaving and other occupations; and in 1608, Mother Magdalena de San Geronimo, the founder of the House of Probation at Valladolid, recommended that there should be homes for orphans in all cities, and a house of correction as a 'hospital for the soul'. The high standard of the original Amsterdam houses was not, however, maintained for long, except in Holland itself and some of the Hanse towns. As can be seen from the sentences served by inmates of the Amsterdam Spinhuis, by the end of the 17th century there was little difference between such houses and ordinary gaols.

In Britain this deterioration from the original high principle of 'correction' by labour was particularly noticeable. The number of offences for which men and women could be committed to houses of correction increased so considerably that eventually any distinction between them and the common gaols disappeared. The 'passing' of vagrants¹ from one locality to another deprived the bridewells of one of the main classes of persons for whom they had been intended. At the same time, they received an increasing number of offenders, whom the justices felt should be spared the demoralising effects of gaol. The disadvantages of mingling recipients of poor relief with persons sentenced by the criminal law were disregarded, and in 1609² Parliament authorised penal discipline, instead of reformatory treatment in houses of correction. In 1719³ justices were given powers to send those convicted of minor offences to either bridewell or gaol, at their discretion, and any distinction between the two

1. S. & B. Webb - English Prisons under Local Government; London; 1922, p. 15.

2. 7 Jac. I c. 4.

3. 6 Geo. I c. 19.

institutions finally disappeared.

In 1579 the inmates of Bridewell in London had practised twenty-five occupations,¹ which included the making of pins, lace, gloves, silk and tennis balls. To provide suitable work for the inmates of houses of correction became, however, more and more difficult. The history of a Scottish house - in Aberdeen - gives a picture of the difficulties which faced many such institutions throughout Britain.² In 1636 a patent had been obtained from Charles I, 'for establishing a house of correction, chiefly with the view of reforming the morals, and of promoting good order and industry among a certain description of the inhabitants, who were to be employed in manufacturing broad cloths, kerseys, seys and other coarse cloths. This being a new and important undertaking, Robert and Nicholas Beaston were brought from Edinburgh to superintend the work, and to direct the magistrates in the proper mode of conducting it. For this establishment, a property was purchased...at the expense of 2000 merks, raised, under the authority of a head court, by an assessment upon the citizens. The manufacture of cloths was carried on, in the house of correction, for several years by a joint stock company, to a pretty considerable extent; but met with great obstruction, during the civil wars, from the contending armies, which, on repeated occasions, pillaged their wares.... Some years afterwards...they purchased a fulling mill, on the river Don; but towards the close of the century, the trade seems to have languished, and the work was abandoned about the year 1711.'

1. Van der Slice, p. 52.

2. Kennedy, Vol. I, pp. 257-8.

In 1609¹ justices of the peace had been made responsible for the erection and administration of houses of correction in their areas. After the Restoration, however, it became clear that the justices were giving no more thought or attention to houses of correction than they did to the common gaols under their care. The administration of such houses was often criticised. In 1751 Fielding complained,² 'What good consequence can then arise from sending idle and disorderly persons to a place where they are neither corrected nor employed;...can it be conceived that such persons will not come out of these houses much more idle and disorderly than they went in?' In 1775 Hanway³ pointed out the deficiencies of houses of correction, referring especially to the London Bridewell. 'The young harlot,' he wrote, 'who figured yesterday in a green box (at the theatre) may sleep tonight under confinement in Bridewell. She may sometimes learn good at a play; in Bridewell she can never learn any.' For all the criticisms, however, there were few constructive suggestions for reform. It was not until Howard had compared the deplorable conditions in British houses of correction with the efficient management of similar houses in Holland, that their problems were given serious consideration in Britain.

1. 7 Jac. I c. 4.

2. Enquiry into the Causes of the late Increase of Robbers, etc., Collected Works; London; 1762, p. 567.

3. J. Hanway - The Defects of Police; London; 1775, p. 52.

Chapter 6

IMPRISONMENT IN BRITAIN: 1500 - 1800

In Scotland imprisonment was used as a penalty very rarely until the 19th century.¹ England, however, had always made more use of imprisonment, even when it was merely for safe custody, than had most other countries in Europe. The King's Courts at Westminster administered their own prisons - the Fleet and the Marshalsea - and local prisons were established throughout the country. These prisons came under local government during this period, and were not put under the control of a central authority until 1877.² If an accused woman was not granted bail, the justices had either to discharge her, or to commit her to a lawful place of detention.³ Until the establishment of houses of correction, this place of detention was the common gaol.

Large towns, and even the majority of smaller boroughs, had their own gaols.⁴ In the country, county gaols were controlled by the county sheriffs, who were only appointed for twelve months at a time. A third class of prisons, the franchise prisons, were owned by land-owners, bishops and other ecclesiastical dignitaries. In 1779 Howard noted that Sir Charles Danvers owned the prison at Bury St. Edmunds,⁵ and the Westminster Gate-house prison was still the property of the

1. The main Acts concerning the establishment and administration of prisons in Scotland during this period are 1597 c. 277 (A.P.S. IV, 141 c. 44); 1617 c. 8 s. 17 (A.P.S. IV, 538 c. 8), partly repealed by 1661 c. 38, (A.P.S. VII, 306 c. 338); 1696 c. 32 (A.P.S. X, 66 c. 32), and 1724, 11 Geo. I c. 26 - concerning aliment of prisoners; and 1747, 20 Geo. II c. 23, regulating Barons' prisons.

2. 40 and 41 Vict. c. 21.

3. 5 Hen. IV c. 10.

4. Clay, pp. 19-20.

5. Howard, p. 305.

Dean and Chapter.¹ The conditions in such franchise gaols, even at the end of the 18th century, were deplorable. Being private, they were beyond the jurisdiction of sheriffs and justices. They were, therefore, never inspected, and were often forgotten when the infrequent gaol-deliveries took place. Prisoners in franchise gaols received no benefit when an 'allowance' or relief of any kind was granted by Parliament to the inhabitants of common gaols. Howard described conditions for women prisoners in the County Gaol at Durham² in 1774. This gaol was the property of the Bishop, and the dungeon provided for women felons measured twelve feet by eight. When Howard suggested that larger quarters might be built on a vacant plot of land nearby, he had 'the mortification to hear that the surgeon, who was uncle to the gaoler, had obtained from the bishop, in October preceding, a lease of it for twenty-one years, at the rent of one shilling per annum. He had built a little stable on it.'

The gaols which existed in England during the latter part of the 18th century had seldom been erected for the purpose of imprisonment. They varied from being part of a castle, as at York,³ to two rooms 'called dungeons', under the market house at Kidderminster;⁴ from rooms in a gatehouse, as at Lincoln,⁵ to 'two rooms in a public house ...belonging to the town', at Reading in Berkshire.⁶ More than two hundred years before, the responsibility for common gaols had been laid on the shoulders of justices of the peace; but they took no

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1. Ibid, p. 242.
 2. Ibid, p. 420.
 3. Ibid, p. 405.
 4. Ibid, p. 349.
 5. Ibid, p. 331.
 6. Ibid, p. 339.

interest in the administration of these gaols, nor did they supervise them or inspect them in any way. In 1531, an Act of Henry VIII¹ had given justices the power to build gaols, 'where none be, or where they be weak or feeble,' yet, according to Coke,² 'That Act had little effect; for that the justices of peace did little or nothing.' Coke's complaint might well have been echoed after every effort made by the legislature to reform the prisons during the next two hundred and fifty years.

In 1572³ the first attempt was made to provide some form of 'allowance' for the relief of prisoners. Justices were required to tax each parish in their counties, to provide food for prisoners in the common gaol. The sum to be levied could not exceed 6d. or 8d. a week, and even by the time of Howard this 'county allowance' usually only amounted to 2d. worth of bread a day,⁴ although it varied from place to place. As a result even those prisoners who were eligible for the allowance remained in a state of semi-starvation. Not all prisoners, however, were fortunate enough to be eligible. The allowance was originally confined to convicted felons. No allowance was provided for debtors, for those convicted of misdemeanours or for failure to find sureties, nor for those not convicted at all, but simply awaiting trial. The only way for these prisoners to avoid starvation was to depend on gifts from their families, friends or charitable bequests - or to resort to begging, or, in the case of many women, to prostitution. A writer to the Gentleman's Magazine in

1. 23 Hen. VIII c. 2.

2. Inst. II, 705.

3. 14 Eliz. c. 5.

4. Howard, p. 6.

1757 was disturbed to find conditions so bad that¹ 'when the time of confinement limited by the sentence is expired, the prisoner, tho' she may be detained for her fees, is not entitled to the county allowance; so that some have been kept a fortnight in this prison without any food at all, besides what they could procure either from charity or from lust.'

Another attempt to relieve the position of the 'poor prisoner' was made in 1667,² by an Act of Charles II. This Act regretted that helpless rogues should be left to starve, or 'by living idle and unemployed' to 'become debauched, and come forth instructed in the practice of thievery and lewdness.' It permitted a levy on each parish of not more than 6d. a week, to provide materials for 'setting poor prisoners on work.' There are, however, no records of work ever having been provided in gaols,³ as distinct from houses of correction.

Throughout this period the grim conditions prevailing in prisons were due partly to the disinterest and neglect of sheriffs and justices. Their duties were never precisely defined, and there was no supervision over their actions. A more powerful cause of such conditions was, however, the administrative arrangements of prisons, which allowed the gaoler to make a living out of his gaol. He was seldom given a salary; and, in general, the post of gaoler was allotted to the man (or woman) who, irrespective of ability or humanity, was prepared to pay most for it. A considerable sum of money was often demanded, for in the large prisons the value of this

1. Gentleman's Magazine, June, 1757, p. 268.

2. 19 Car. II c. 4.

3. S. and B. Webb, p. 11.

office increased greatly over the years. In 1559 the serjeantry of the Fleet Prison in London¹ - which had previously been a hereditary office - had been sold for £4000, but by the end of the century £4000 was the estimated yearly income of the warden in charge of this prison. In 1730² an Act forbade the buying and selling of the office of gaoler. Even after this date, however, the gaoler sometimes paid rent for his prison. The necessity to make money, combined with his position of power, encouraged meanness and brutality. So long as prisoners remained a source of profit, it was impossible to reform the prison administration, or to avoid conditions of inhumanity, dirt and promiscuity.

The gaoler reduced his overhead expenses to the minimum. If he paid window-tax, this³ 'brought him under the disagreeable necessity of stopping up some windows.' If the wages of assistants or turnkeys were to come out of his own pocket, the gaoler employed as few as possible. Instead, he restrained the prisoners by lavish use of irons - which also saved him the cost of strengthening the building to prevent escapes. Fees were charged for putting on and taking off these irons, or for reducing them in weight. Howard suspected that avarice, rather than tyranny, was the main motive for 'ironing'. He found that⁴ 'county gaolers do sometimes grant dispensations, and indulge their prisoners, men as well as women, with what they call "the choice of irons" if they will pay for it.' In 1782 a gaoler

1. M. Bassett - *The Fleet Prison in the Middle Ages*; Univ. of Toronto Journal, Vol. V (1943-4), p. 386.

2. 3 Geo. I c. 15.

3. Howard, p. 349.

4. Ibid, pp. 13-14.

was fined £20 at Thetford for putting irons on a woman,¹ but the practice seems to have been widespread throughout the country. Howard observed 'four dirty and sickly objects' in the women's room at Wymondham,² 'at work, with padlocks on their legs, though they are never out in the court except on Sundays.' In 1779 he found three women working in Lavenham³ gaol, each with 'a heavy chain'; and in Reading⁴ he noted that, when prisoners were brought from gaol to the Court, they 'were not only chained together by their hands, but had heavy irons also on their legs.'

In all prisons there were admission fees, fees for board and lodging, and fees for discharge. Admission fees were originally fixed on a sliding scale according to rank - in the 16th century it cost a duchess £13. 5s. to get into the Fleet prison, whereas a gentlewoman was admitted for the sum of £1. 12s. 4d.⁵ By the 18th century, however, the sliding scale depended on wealth more than on position. Howard complained that the custom of demanding 'garnish' or 'chummage' from prisoners entering gaol led to grave abuses. "Pay⁶ or strip," are the fatal words. I say fatal, for they are so to some; who having no money, are obliged to give up part of their scanty apparel, and then if they have no bedding or straw to sleep on, contract diseases, which I have known to prove mortal.' The fees on discharge were even heavier than on admission, and until 1774⁷ - when fees were abolished for unconvicted prisoners - it made little

1. Ibid, p. 13, note.

2. Ibid, p. 295.

3. Ibid, p. 305.

4. Ibid, p. 338.

5. Bassett, p. 395.

6. Howard, pp. 12-13.

7. 14 Geo. III c. 20.

difference to penniless prisoners whether they were convicted or not. If they could not pay the discharge fees, they remained in prison.

Most gaols were divided into two sides - the master's and the common side.¹ Prisoners on the master's side were the main target for the gaoler's greed. Since they had money, the gaoler gave them the opportunity to buy a few 'luxuries', and supplied them with food, bedding, furniture, light and alcohol, at a price. No profit could be made out of the penniless prisoners on the common side. Though they were often faced with starvation, they were left comparatively free from persecution.

This desire to make money on the part of the gaoler led to² 'the immuring in underground dungeons and windowless garrets, and the herding together in roof-less yards, of prisoners of both sexes and all ages, healthy and sick, innocent and guilty;...also the indescribable lack of sanitary accommodation, the scarcity of water, and the non-provision of food, clothes or firing.' The cold in winter was acute, and Howard stressed that³ 'for women, especially those that have children with them, and sometimes at the breast, there should be a chimney in one or two rooms; and in winter they should be allowed firing.' Bedding was scanty, where it existed at all. It generally consisted of a small quantity of straw on the floor, which often became⁴ 'offensive and almost worn to dust.' When water-pumps and baths were provided, which was seldom, they were sometimes put to strange uses. At Liverpool⁵ a pump was provided in

1. Clay, pp. 11-14.

2. Webbs, p. 19.

3. Howard, p. 38.

4. Ibid, p. 8.

5. Ibid, p. 437.

the men's court in 1779, but it appears to have been used as a whipping post for the women prisoners. The bath installed in the same court was equipped with 'a new and singular contrivance.... At one end of it was a standard for a long pole, at the extremity of which was fastened a chair. In this all the females...at their entrance, after a few questions, were placed, with a flannel shift on, and underwent a thorough ducking thrice repeated - an use of a bath which...the legislature never thought of when in their late act¹ they ordered baths with a view to cleanliness and preserving the health of prisoners.' In 1779 conditions in the County Gaol at Cambridge² were so bad that the Vice-Chancellor discharged all the women prisoners. Many died shortly after their release. Seventeen women had been confined during the day, and some of them at night, in a room nineteen feet square, without a sewer or a fireplace. It was not surprising that 'this made it extremely offensive, and occasioned a fever or sickness among them.' So long as such insanitary conditions existed, the threat of gaol-fever was bound to continue.

In a number of prisons there was no separation of the sexes, even at night. To suit the convenience of gaolers, certain classes of men prisoners were confined in the women's quarters of many large prisons. Male lunatics³ and men who had turned king's evidence⁴ - and were, therefore, in danger of their lives from their fellow-prisoners - were often put in the women's ward. In 1779 Howard found a girl at St. Albans,⁵ serving a year's imprisonment, locked up

1. 14 Geo. III c. 59.

2. Howard, p. 290.

3. Ibid, p. 329, note.

4. Ibid, pp. 22, 234.

5. Ibid, p. 258.

all day in the work room with two soldiers; on his second visit to the same prison he found a boy and a girl confined together. Quite frequently no effort was made to separate men and women awaiting trial. In Swansea Gaol¹ two men and two women were confined in a cell - which had an aperture in the door, but no window - 'from Monday to Friday'. Prisoners awaiting trial in Morpeth County Gaol² suffered even more unpleasant conditions. Men and women were 'confined together seven or eight nights in a dirty, damp dungeon down six steps in the old castle, which having no roof, in a wet season the water is some inches deep. The felons are chained to rings in the wall.' After visiting the County Gaol at Worcester, Howard observed,³ 'The Magistrates may be fully convinced of the impropriety and shocking indecency of having only one day-room, if they examine the women lately sent from this gaol to the bridewell.'

Even when the sexes were separated, there was generally easy access between the men's and women's quarters of the prison. In 1779, at Kingston-on-Thames,⁴ there was a 'door from the men's court into that of the women's, and one of the men keeps the key, and can let any of the prisoners into the women's apartments.' The promiscuity inevitable in such conditions was well described in the Gentleman's Magazine in 1757.⁵ 'The men and women prisoners are all together till they are locked up at night; and have perpetual opportunities of retiring to the dark cells in couples as often as

1. J. Howard - An Account of Lazarettos; London; 1789, p. 215.
(Any reference to this work in the Notes will be quoted as Howard - Lazarettos.)

2. Howard, p. 425.

3. Ibid, p. 346.

4. Ibid, p. 278.

5. Gentleman's Magazine, June, 1757, p. 268.

they please; the women, indeed, are generally such as do not need much solicitation to this commerce; but as the county allowance is no more than a pennyworth of bread and some water in twenty-four hours, and many of them are totally destitute both of money and friends, they would have no alternative but to become prostitutes for subsistence or to perish with hunger.... The gatekeepers and other petty officers of the prison consider all the women prisoners as their seraglio, and indulge themselves in the promiscuous use of as many of them as they please. There are also two wards called the bawdy houses, in which the locker, for a shilling, will at any time lock up a man and woman together for the night.... This lewdness is not only practised by one prisoner with another, but by people that go thither on purpose, so that the place may be considered as a great brothel, kept under the protection of the law, for the emolument of its ministers.'

No account of women prisoners in the 18th century would be complete without Howard's tragic description of the sufferings of Mrs. Milbourne.¹ 'Here was a prisoner, lately the widow of an old gentleman, who left her an estate of £300 per annum and about £7000 in mortgages. She was afterwards married in Scotland to a Mr. Milbourne...who soon spent £4000, but upon some disagreement she refused to give up the mortgages of the other £3000. By an attachment from the court of chancery, her husband sent her to the common gaol, which confinement prevented her compliance with an order for appearance at that court in fifteen days of St. Hilary's term next ensuing. At first she was on the master's side; but the late

1. Howard - Lazarettos, p. 200.

gaoler, after cruelly seizing her clothes etc. for chamber-rent, turned her to the common side. Her room (nine feet and a half by eight and a half) has no fire-place. She, not having the county allowance, supports herself by spinning and knitting and the occasional kindness of her late husband's relations, while her present husband is living and rioting on her estate. By a letter dated 14 of October 1788, from a respectable gentleman at Carlisle, I am informed that Mrs. Milbourne is still in the gaol, and that for above two years, Mr. Milbourne did not give her one farthing, her subsistence being wholly on occasional charities, and the small earnings of spinning, at which employment she could not get more than fourpence, but now by practice and extremely close application (when health permits) can earn 10d. a week. In March last her husband sent her twenty shillings, and in October 1788 (twenty-seven weeks after) the same sum. The justices last quarter sessions commiserating her hardships, have allowed her the county bounty; the first shilling of which this modest poor woman received 11 October, 1788.'

Throughout this period, the general public had no interest in prison reform, nor were they moved to pity by the prisoners' sufferings, since living conditions for the poor in English cities were as bad, if not worse, than those to be found in prison. In 1618 the first treatise to be published on the miseries of prison life was written by an insolvent barrister, Geffray Minshul. This work had little effect on public opinion. In 1667,¹ however, after the Great Plague, fear of a repetition of this disaster, rather than

1. 19 Car. II c. 4.

pity for the prisoners, prompted Parliament to authorise the removal of any inmates of a gaol in which signs of the plague could be found. This 'Poor Prisoners Act' also encouraged justices to find materials 'for setting poor prisoners on work,' but without much success. The 'Unhappy Times Act',¹ in 1670, to improve conditions for debtors, was no more successful. In 1696, after the appearance of two pamphlets, 'Cry of the Oppressed', by Moses Pitt, and 'Prison Sighes', by Ludovick Muggleton, the House of Commons appointed a Committee of Inquiry. A year later the 'Alsatia Act'² was passed to curb certain malpractices of keepers of prisons. Apart from suppressing the activities of criminals in certain districts of the City of London, this Act proved as ineffective as its predecessors. The only other effort at reform for many years was an Act in 1700,³ to promote gaol-building. This Act gave justices the power to levy a rate, to provide money for building and repairing their county gaols. Two reservations were, however, included in the Act which prevented it ever being put into operation effectively. The justices could only levy their rate when the 'insufficiency of inconvenience of their gaol or prison' had been formally 'presented' by the grand jury of their county; and no action could be taken which might hurt or prejudice 'any person or persons having any common gaol by inheritance.'

In 1699, shortly after the formation of the Society for the Propagation of Christian Knowledge, a Committee of that Society visited Newgate, the Marshalsea and other prisons.⁴ They distributed

1. 22 and 23 Car. II c. 20.

2. 8 and 9 Will. III c. 27.

3. 11 and 12 Will. III c. 19; cont. by 10 Anne c. 14.

4. Clay, pp. 27-8.

money to the prisoners, and reported the results of their investigations to the Society in 1702. Nothing, however, came of this report. Informed public opinion was becoming uneasy about conditions in prisons, but the legislature remained entirely apathetic towards reform. In 1729 the House of Commons consented to appoint a Committee 'to enquire into the state of Gaols in this kingdom,' after a debtor friend of General Oglethorpe had been forced into a spunging-house, through inability to pay the prison fees, where he contracted small-pox and died. This Committee¹ first inspected the Fleet prison, and later the Marshalsea, where conditions were even worse. They saw 'both men and women lying, at the point of death, on the bare filthy flags.' It was rumoured that 'secret influences' then encouraged the Committee to cease their enquiries. Public opinion, on the other hand, encouraged them to continue their investigations, and a year later they visited the King's Bench Prison for the second time. The Committee observed that some of the worst abuses had been remedied since their first visit. Any form of inspection would, in fact, have improved the deplorable conditions which existed in prisons at this time, provided such inspection could have been efficient and impartial.

The Insolvent Debtors Relief Act, 1729,² was the first statute to give real hope of practical prison reform. It provided that in every prison a Table of Fees should be exhibited in a public room or place; and gave prisoners the right to send out for food and necessaries, 'from what place they please.' The spunging-house was

1. Ibid, pp. 28-31.

2. 2 Geo. II c. 22.

abolished in law - though not in fact - and creditors were made liable to pay 4d. a day for the upkeep of their debtors confined in prison. This provision was, however, seldom put into practice. Judges and justices were given increased powers both of supervision and of the actual management of prisons; and from this time the magistrates began gradually to take over responsibility for the prisons from the sheriffs. In 1744¹ Parliament provided that justices should visit houses of correction in their area at least twice a year, 'or oftener if need be.' This order was, however, no more effective than another provision in the same Act, which ordered keepers of houses of correction to set their inmates to work. Apathy and inertia regarding prison reform continued throughout the country, and Parliament attempted to check the growing lawlessness by increasing the number of capital statutes, and making more and more offences punishable by death.

During the last fifty years of the 18th century public opinion in England was disturbed by the increase in crime throughout the country. The consumption of gin in London, vividly portrayed by Hogarth, brought with it debt, drunkenness and violence. Eventually the Tippling Act² forbade the recovery of any debt under 20s. contracted in a tavern or gin-shop, and checked excessive gin-drinking in the larger cities. Violence - especially in the form of robbery - caused panic in 1750, and again in 1770. Fielding wrote his 'Enquiry into the causes of the late Increase in Robbers etc.,'³ and Parliament was bombarded with petitions. As a result, two Committees of Enquiry

1. 17 Geo. II c. 5.

2. 24 Geo. II c. 40.

3. Collected Works; London; 1762.

were appointed. By the end of the 18th century, new trends of thought regarding punishment were beginning to appear among leaders of opinion in England. Only the legislators - especially the House of Lords - still clung to capital punishment as the cure for crime.

In 1765 Beccaria's great treatise '*dei delitti e delle pene*' was first translated into English. The influence of Beccaria on penal reform in Europe at this time cannot be exaggerated. His views must have seemed revolutionary to legislators in 18th century England. He considered that to prevent crime was more important than to punish it;¹ indeed it was only because punishment helped to prevent crime that it could be justified at all. In criminal procedure torture² and secret accusations³ should be abolished. The accused person should be treated humanely before trial,⁴ and brought to trial as speedily as possible.⁵ Since punishment was not intended as social revenge but to deter men from crime, there should be no capital punishment.⁶ 'Punishment of death has never prevented determined men from injuring society.' Imprisonment for life was a more effective deterrent, 'than the fear of death, which men always behold in distant obscurity.' The severity of punishment was, in fact, less important than its speed and certainty.⁷ Crimes against property, without violence, should be punished with fines;⁸ and imprisonment, under improved conditions, should be used more widely as a punishment.⁹

1. Translated anon. 4th ed., London; 1775; Ch. 12, pp. 43-4.

2. Ch. 16, pp. 57-59.

3. Ch. 15, pp. 53-7.

4. Ch. 19, p. 75.

5. Ch. 19, pp. 74-7.

6. Ch. 28, pp. 102-117, esp. pp. 105-6.

7. Ch. 27, pp. 98-102; Ch. 19, pp. 74-7.

8. Ch. 22, pp. 83-4.

9. Ch. 29, pp. 117-20.

To conclude his essay, Beccaria observed that punishment¹ 'should be public, immediate and necessary; the least possible in the case given, proportioned to the crime, and determined by the laws.'

Encouraged by the publication of Beccaria's treatise, the first signs of an active movement for penal reform appeared in Britain. In 1765² an Act was passed to improve conditions for poor debtors; and in 1773³ the appointment of prison chaplains to county prisons was authorised. Popham introduced a bill to give salaries to gaolers, and to abolish their fees. In 1774⁴ fees were abolished, although only, as yet, for unconvicted prisoners. An Act⁵ 'for preserving the health of prisoners' was passed in the same year. This was the first measure to enforce some improvement of the disgraceful sanitary conditions in the country's prisons. The Act required justices to provide infirmaries and doctors for the prisons under their care. These gaols were to be kept clean and well ventilated, and white-washed at least once a year. Prisoners were to be provided with clothing and baths. A gaoler who did not comply with the provisions of the Act became liable to fines and imprisonment. These Acts would, however, have been as ineffective as similar measures had been in the past, but for the stimulus given to penal reform by the work of John Howard. In 1773 Howard became Sheriff of Bedfordshire, and started to inspect the prisons in his county. He published the results of his investigations two years later, under the title 'The State of the Prisons.'

1. Ch. 47, p. 179.

2. 5 Geo. III c. 41.

3. 13 Geo. III c. 58.

4. 14 Geo. III c. 20.

5. 14 Geo. III c. 59.

Chapter 7

PRISON REFORM IN THE EARLY 19th CENTURY

In spite of Howard's revelations of the deplorable conditions in British prisons, no immediate changes were introduced by Parliament. The Government were occupied with growing expenses at home, and with the War with France, and showed no interest in spending money on prison reform. It was of this period that Hugh Klare¹ wrote - 'Apathy, complacency, the realisation of the sheer effort and imagination required to interfere in the self-perpetuating impetus of an existing system, and to bring about an effective change of direction - these were the things that stood in the way of a more enlightened and humane approach to treatment of prisoners.'

After the War of Independence, convicts could no longer be transported to America, and in 1774² justices were required by legislation to transform their houses of correction into 'proper places...for the reception of those sentenced to hard labour.' This Act had no effect. It became clear that Bridewells could never be successfully transformed into prisons, and in 1779,³ Parliament authorised the erection of two 'plain, strong and substantial edifices or houses,' to be called 'the Penitentiary Houses.' One of these Houses had accommodation for 300 women. Each house was to contain a workhouse, lodging-rooms, an infirmary and a chapel, and also 'dark but airy dungeons' for those inmates who misbehaved.

1. Foreword to 'The English Prison Hulks' - W. Branch Johnson; London; 1957.

2. 16 Geo. III c. 43.

3. 19 Geo. III c. 74.

'The hardest and most servile' work was to be provided, and the clothing designed 'as well to humiliate the wearers as to facilitate discovery in case of escape.' It was hoped that solitary confinement, well-regulated labour and religious instruction would not only reform the convicts, but also deter others from crime. Plans for the Penitentiary Houses progressed as far as the appointment of three Commissioners - one of whom was Howard - to choose a site. After continual disagreement Howard resigned, and the Committee eventually broke up. Shortly afterwards another was appointed, and a site chosen. By this time, however, the government was so preoccupied with affairs at home and abroad that there was no longer hope of putting the plans into operation.

In 1791 Bentham published his 'Panopticon, or the Inspection House'; and a year later he put forward a proposal to the Government to build and administer a prison based on the plans set forth in his book. Although many felt that Bentham's project was unwise and impracticable, and depended too much on the character and personality of the man who was to administer the prison, the Government agreed to his scheme. The increasing burden of the Napoleonic Wars, however, and the discovery of Australia, which brought about a resumption of transportation, contributed to delays which extended over the next sixteen years. No practical steps were taken until 1810, when Romilly's appeal to the House of Commons¹ to reform the criminal law, including the prison administration, brought the lack of prison accommodation again to the public notice.

During this period to 1810, Howard's work for prison reform

1. Cobbett's Parliamentary Debates, Vol. 15, pp. 366-371.

appeared to have achieved little. A few men, however - such as Sir G.O. Paul in Gloucestershire, and Sir Thomas Beevor, in Norfolk¹ - were successful in improving conditions in their local gaols, and the theories of Howard, Eden and Blackstone continued to influence the minds of enlightened men of the day. From 1810 onwards, these ideas inspired a number of reformers, who brought problems of prison administration to the notice of Parliament, until eventually some reorganisation and reform was achieved. After Romilly's appeal, Parliament appointed a Committee to investigate the 'Penitentiary Houses.' This Committee advised the Government to reject Bentham's proposals, and pay his claims. They suggested that a penitentiary should be erected immediately on the chosen site at Tothill Fields. Five years later Millbank Prison was ready to receive offenders, at a cost of £450,000.² Throughout its existence the dampness and unsuitability of its site caused continual problems of health and sanitation.

The first batch of thirty-six women prisoners arrived at Millbank from Newgate in June.³ They all seemed 'liable to fits', which disconcerted the Governor, until the threat of shaving and blistering their heads produced a miraculous cure. The Governor arranged to see all prisoners on arrival.⁴ and they were then confined in the lodge for the first five days, 'to awaken them to reflection, and a due sense of their situation.' After five days in the lodge, the women prisoners entered the first class, and remained there for about half

1. See J. Neild - State of the Prisons; London; 1812, pp. 244-9; 440-5.

2. Griffiths - Millbank, p. 32.

3. Ibid, pp. 34, 46.

4. Ibid, pp. 42-4.

their sentence, graduating eventually to the second class, and finally to the third class. They were mainly employed in needlework and weaving, instructed by a second-class prisoner. They could earn wages for this work, and on their discharge were given a small gratuity.

A Matron was appointed to take charge of the women prisoners - as had been laid down in the Act of 1779 - but it proved difficult to find a suitable person to take this post. Mr. Morgan Pitt¹ told the committee of appointment that many people considered it 'impracticable to procure any person of credit or character to undertake the duties of a situation so arduous and so unpleasant.' He stressed the difficulty of finding 'a gentlewoman, who would undertake a duty so revolting to every feeling she had hitherto possessed, and even so alarming to a person of that sex.' At first no applications for the post were received, but eventually a Mrs. Chambers consented to become Matron of Millbank. After a short time, however, she was removed from her post when it was discovered that she had used prison thread for her own work, and given her daughter a prison Bible. The prison committee continued to spy and interfere, and not long afterwards the Governor, accused of over-lenieney, was also forced to resign.

Complaints of lenieney, and an over-lavish diet, led to the meat ration for prisoners in Millbank being cancelled. They now received only soup and a reduced ration of bread.² By 1822 their health was found to have deteriorated visibly, and in 1823 an epidemic

1. Ibid, pp. 40-2.

2. Ibid, pp. 55-65.

of scurvy, dysentery and diarrhoea broke out, affecting the women even more than the men. An increase in diet caused a temporary improvement, but the epidemic recurred in a more serious form. Parliament was forced eventually to authorise the temporary removal of prisoners from Millbank,¹ so that they might recover their health. The first consignment of women prisoners was sent to the Royal Ophthalmic Hospital in Regent's Park, which at this time was empty. The remainder were sent to Hulks off Woolwich. The epidemic, however, continued, until pardons were granted to all the women prisoners² - this being the only way of saving their lives. On this occasion the Government's policy was remarkably enlightened. No woman prisoner was freed until she had a home to go to, and the Home Secretary communicated with friends and relatives of all prisoners to find them accommodation. By February, 1824, no women were left on the Hulks. It had not been easy to discipline them when they were confined on the Hulks. According to Griffiths,³ 'when a draft of men prisoners going to the Ethalion passed the females' hulk, the whole of the women commenced to shout and yell and wave their handkerchieves. They abused the deputy matron with choice invectives, and appeared quite beyond control.'

During the ten years before 1823, Parliament passed a number of Acts to improve conditions in prisons. In 1815 they ordered returns to be made to the Home Office,⁴ giving exact particulars of persons committed to prisons. From this time, these returns were an

1. 4 Geo. IV c. 82.

2. Griffiths - Millbank, pp. 65-6.

3. Ibid, p. 79.

4. 55 Geo. III c. 49.

invaluable source of information to those interested in penal reform. In the same year prison fees were abolished in all prisons,¹ except the King's Bench, Fleet and Marshalsea, where there were no funds to compensate the gaolers. At this time any suggestion that they should receive compensation out of national funds would not have been considered. In 1816 the Home Secretary was given power to remove any person who became insane in prison to an asylum,² but this power was not always used.

The tide of reform was, however, rising, and continued to rise until, in 1823 - urged on by Buxton and Mackintosh, after the death of Romilly in 1818 - Peel introduced the first Act³ in which the Government itself put forward measures of general prison reform. This Act consolidated the law concerning prisons, and laid down rules for the regulation of work, health, clothing and 'education'. Men and women prisoners were to be confined in separate parts of the building. Women prisoners were divided into five classes, but later these were reduced to three. In future Matrons were to be appointed to every prison in which women prisoners were confined, and only women officers were to supervise such prisoners. No keeper, or other male officer, was allowed to visit the women's part of a prison, unless accompanied by the matron or a woman prison officer. Salaries and pensions were to be provided for gaolers; and the Act abolished the use of irons, and the payment of fees of any kind. The major defect of the Act was that it made no provision for any form of central administration. It was, however, the first real attempt to

1. 55 Geo. III c. 50.

2. 56 Geo. III c. 117.

3. 4 Geo. IV c. 64.

reorganise the prison system in England; and all interested in prison reform were encouraged by its successful passage through Parliament.

Chapter 8

ELIZABETH FRY

Until the beginning of the 19th century even the most enlightened writers and statesmen seldom considered that the needs of women prisoners might be different from those of men. Howard rarely referred to women, and seemed to consider that, provided women were adequately segregated from men in prison, they presented no further special problems. He denounced the whipping and "ironing" of women prisoners, but his main concern was to improve conditions for male prisoners and to reform prison administration by applying principles which, in his view, affected men and women equally. Until the nineteenth century women are seldom mentioned in books on penal reform, and the sufferings of women prisoners - if noted at all - were not pitied by the more fortunate of their sex.

In 1813, however, Mrs. Elizabeth Fry - the sister-in-law of Buxton - was 'induced to visit Newgate, by the representation of its state, made by some persons of the Society of Friends,' to which she belonged.¹ The women's prison was in a state of pandemonium. According to Buxton,² 'She found the female side in a situation, which no language can describe. Nearly three hundred women, sent there for every gradation of crime, some untried, and some under sentence of death, were crowded together in the two wards and two cells.... Here they saw their friends and kept their multitudes of children, and they had no other place for cooking, washing, eating,

1. F. Buxton - *An Inquiry whether Crime and Misery etc.*; London; 1818, p. 113.

2. Ibid.

and sleeping. They slept on the floor at times one hundred and twenty in one ward, without so much as a mat for bedding, and many of them were very nearly naked. She saw them openly drinking spirits, and her ears were offended by the most terrible imprecations. Everything was filthy to excess, and the smell was quite disgusting. Every one, even the Governor, was reluctant to go amongst them.' Her original intention was to bring medicine to the infirmary, but she realised from the conditions around her, that food and clothing were needed even more. The beds in the infirmary had no covers; and she was particularly distressed by the sight of two women stripping a dead child of clothes needed for a living one. Mrs. Fry arranged at once to provide clothing for the women. Her daughters retained¹ 'a vivid recollection of the green baize garments, and the pleasure of assisting in their preparation for this purpose.' Unfortunately, after three visits to Newgate, Mrs. Fry was so occupied in other ways, that it was four years before she was able to revisit the prison. When she did so - around Christmas 1816 - she noticed that certain improvements had been made to reduce overcrowding.² Gratings had also been installed to separate the prisoners from their visitors. The women in Newgate were still, however, completely unorganised and largely unoccupied. Those who were occupied were reading improper books, playing cards, begging, fighting over money 'or engaged in the mysteries of fortune-telling.'

Although warned of the risks she was running, Mrs. Fry went among them and talked to them about their problems. As a result of

1. Memoir of the Life of Elizabeth Fry, edited by two of her daughters; London; 1847, I, p. 206.

2. Buxton, pp. 114-5.

her conversations, she realised that the women prisoners in Newgate had two main needs: First, to be treated as human beings, rather than as animals, by being given the chance to make plans, so that they might look to the future with hope, instead of apathy; secondly, that their 'multitudes of children' confined with them in prison, should be occupied and educated. At this stage she had no intention of providing work or education for the prisoners themselves. Before she left Newgate she asked the women to choose one of their number, to act as school-mistress to the children,¹ and, on her next visit, the women announced that they had chosen Mary Connor for the post. Mrs. Fry was careful to take no step without the co-operation of the prisoners. The prisoners chose the school-mistress; they also approved and agreed to the regulations of the school, and made suggestions as to how it should be organised. Only a room was lacking, and after two meetings with the Governor and the Sheriffs of London Mrs. Fry persuaded them to make available a small room to² 'try her benevolent, but almost hopeless, experiment.' The next day she opened the school.

This proved so successful that the women prisoners began to feel their own need for occupation and education, and implored her to provide work and instruction for them. Buxton and Hoare, her brothers-in-law, who had been very helpful to her earlier, were not so optimistic over this second project. They assured her that any material she bought would be stolen, and that the present enthusiasm of the women for work would soon disappear.³ She realised that if

1. Memoir, I, p. 260.

2. T. Timpson - Memoirs of Mrs. Elizabeth Fry; London; 1847, p. 38.

3. Memoir, I, p. 262.

care and comfort were to be brought regularly to the prisoners, and employment provided for them, an association must be formed to organise this welfare work. In 1817 she initiated the Ladies Association for the Improvement of the Female Prisoners in Newgate.¹ The members of this Association were pledged to provide funds for work materials - until the authorities should realise the value of this work, and take over its support - to sell articles made by the women in prison, and to go daily to Newgate to supervise the prisoners. The rules also provided for the appointment of a matron, whose salary was to be paid by the Association. She was to live in the prison, and generally supervise the women's wards.

At Newgate the prison laundry - which at that time seems to have been used infrequently - was cleaned, whitewashed and made available as a workroom. The Sheriffs assisted² 'by sending their carpenters.' Mrs. Fry divided the women into groups of not more than twelve, with a monitor, chosen by the women themselves, responsible for each group. The monitor's task³ was to supervise the behaviour of her group, see that they were clean when they came to work, and accompany them to the gratings, to make sure that they did not beg, nor talk to anyone except the particular friends who had come to visit them. According to Buxton,⁴ after one month of this discipline, 'Riot, licentiousness and filth, exchanged for order, sobriety, and comparative neatness in the chamber, the apparel and the persons of the prisoners..."this hell upon earth" exhibited the appearance of an industrious manufactory,

1. Ibid, I, pp. 266-71.

2. Timpson, p. 45.

3. Memoir, I, pp. 269-70.

4. Buxton, p. 127.

or a well regulated family.' The ladies also noted¹ that 'where the prisoners, from whatever cause, did not work, they derived little if any moral advantage' from their ministrations. 'Where they did some work, they received some benefit; and where they were fully engaged, they were really and essentially improved.'

The Magistrates in charge of the prison were so impressed with the results of the work done by Mrs. Fry and her associates, that they helped to meet the cost of material for the prisoners' work. They also gave the ladies powers of punishment over any women who should be unco-operative,² but there is no evidence that the Committee ever punished a prisoner, except by depriving her of certain small rewards which were later given for good behaviour. The Magistrates agreed to contribute towards the salary of a matron,³ and enquiries were started to find a suitable person to fill this position. The ladies were more fortunate in their choice than the committee which administered Millbank. Buxton records⁴ that 'it so happened that a gentleman...called upon one of the committee, to ask her assistance in procuring a situation for a respectable elderly woman, whom he had long known. She was, in every way, competent to the office of matron, was willing to undertake it, and has discharged its duties with exemplary fidelity.'

The first work undertaken by the women was patchwork, since the demand for such work in New South Wales provided a convenient market. Mrs. Fry called on Messrs. Richard Dixon & Co. of Fenchurch Street,⁵

1. Memoir, I, p. 271.

2. Ibid, I, pp. 271, 293; J. Whitney - Elizabeth Fry; London; 1937, p. 208.

3. Memoir, I, p. 273.

4. Buxton, p. 121.

5. Ibid, p. 123.

and told them she was intending to intrude on their trade but that it was necessary to do so for the good of the prisoners. She asked for their co-operation and advice on how to carry out her scheme. Messrs. Dixon¹ 'said at once that they should not in any way obstruct such laudable designs, and that no further trouble need be taken to provide work, for they would engage to do it.' They purchased as much of the patchwork as the prisoners could supply. This was an encouraging start to the scheme to provide work at Newgate, and Mrs. Fry's handling of the situation could be imitated with advantage by all those who, since her time, have been concerned with finding work for men and women in prisons.

The task of providing work for the women over the years was, however, not easy. Patchwork was later supplemented by knitting - especially the knitting of stockings,² which required methodical work, rather than special skill. It was becoming clear that New South Wales could never provide a market large enough to take all the goods produced at Newgate, and even Mrs. Fry's practical ability could not entirely avoid the dangers of competition and exploitation. That some exploitation did exist is obvious from her complaint³ that the women had made 'nearly twenty thousand articles of wearing apparel, the generality of which is supplied by the slop shops, which pays very little.' It has been suggested that this work probably included mending and renovating, as well as making garments for the poor.⁴ Mrs. Fry was sure, however, that it was better for prisoners to be

1. Ibid.

2. Memoir, I, p. 293.

3. Ibid.

4. Whitney, p. 218.

paid little for their work than not to be paid at all. She was equally sure that it was better to have any form of productive work, rather than to have no occupation at all, or to endure the unproductive labour of the treadmill and the crank. Her real aim, however, was for the Government to take over the provision of employment for prisoners. As she said in her evidence before the House of Commons in 1818,¹ 'My idea with regard to the employment of women is, that it should be a regular thing, undertaken by Government; considering... that there are so many to provide for; there is the army and navy, and so many things required for them; why should not Government make use of the prisoners?' She realised that only by prisoners working for the Government could some of the difficulties be overcome. Fear that prison labour would compete with private enterprise was one of the most formidable of these difficulties. Mrs. Fry was conscious of the objections to the employment of prisoners made² 'on the ground that it may be the means of depriving some of the industrious poor of the means of an honest and respectable maintenance.' She agreed that it was desirable³ 'that every visiting Committee, in the choice of work for the prisoners under their care, should keep the industrious poor constantly in view, and should, as far as possible, contrive such methods for the employment of their charges as will the least interfere with the usual occupation of the laboring classes.' She remained convinced, however, that⁴ 'the benefit which society derives from the employment of criminals greatly outweighs the

1. Memoir, I, pp. 292-300, at p. 299.

2. E. Fry - Observations on the Visiting, Superintendence and Government of Female Prisoners; London; 1827, p. 48.

3. Ibid, pp. 49-50.

4. Ibid, p. 49.

inconvenience which can possibly arise to the mass of our labouring population, from the small proportion of work done in our prisons.... Unless¹ the time of these poor females, who have abandoned themselves to idleness and vice, be fully occupied while they are in prison, there can be little or no hope that their confinement will lead to their reformation. Without this important aid to the work of prison discipline, their attention will still be directed to the criminal objects which have previously occupied them, and much of their time will probably be spent in contriving plans for future evil.'

Mrs. Fry also stressed her view that women prisoners should be given part of their earnings for their own use;² 'a part they might be allowed to take for tea, sugar, etc., but a part should be laid by, that there may be some provision for them when they leave the prison, without their returning to their immoral practices.' When work was first started at Newgate, the prisoners saved a large part of their money. In 1818, however, the Ladies Committee arranged for a small shop to be opened,³ 'where tea, sugar, a little haberdashery and other equally innocent articles were sold to the prisoners.'

Mrs. Fry's views on the provision of work for prisoners were far in advance of her time; and her other statements on the treatment of women in prison show an insight and practical humanity which were not to be matched until Sir Alexander Paterson began his work for prisons. Many of her contemporaries viewed her work with suspicion. The idea of a Ladies Committee, joining together in practical social service, was entirely new, and there was considerable prejudice

1. Ibid, pp. 48-9.

2. Memoir, I, p. 299.

3. Ibid, I, p. 326.

against them because they were women. Their approach was criticised as unrealistic, and they were accused of being too easily persuaded by a facade of religious devotion into a belief that prisoners were reformed. When, later, the work of the Ladies Committee was extended to Millbank, Mr. Nihil, the Governor, wrote in his Journal,¹ 'Although, to the ladies who visit them, the females repeat Scripture and speak piously, the communications which many of them carry on with each other are congenial with their former vicious habits, their minds being thus kept in a state at once the most depraved and hypocritical.' Mrs. Fry was fully conscious of the dangers of hypocrisy among the women prisoners, and of the dangers of morbid curiosity and exhibitionism among her helpers. The Ladies Committee were accused frequently of indulging their sense of the dramatic by allowing the public to attend readings given at Newgate. Mrs. Fry never wished these public readings to become an accepted practice; she did, however, feel that at the start they should be tolerated, so that the general public might see the actual conditions under which the Committee were working.² Public officials, such as Griffiths, complained that the ladies were over-enthusiastic and tactless, and that they interfered as amateurs in spheres which should have been left to those with professional experience. 'If they alone suffered,' wrote Griffiths,³ 'we might pity them and pass on, but serious injury to discipline is another inevitable consequence, and this ought not

1. Griffiths - Millbank, p. 201.

2. Memoir, I, pp. 324-6; II, pp. 219-20. Timpson gives a description of a reading - pp. 74-78.

3. Griffiths - Millbank, pp. 204-5. Many of the Annual Reports of the Directors of Convict Prisons, however, express appreciation of the good work of the Lady Visitors - e.g. Report for 1858 - Parl. Papers, 1859, Sess. 2, XIII, Pt. I, p. 63.

to be ignored. From benevolent motives, no doubt, but by mistake, the worst "cases" are those which by preference the ladies take up; these they pet, encourage, and make much of; while a good peaceable prisoner, to whom a word or two of comfort would really be a boon, is neglected and left to herself. Seeing how much the visits of the ladies are appreciated, this plan of action is really placing a premium on misconduct. The regular official staff of the prison would avoid an error like this.... Indeed the permanent officers of an establishment like Millbank are so amply sufficient for all needs that the necessity for outside extraneous assistance is not at once apparent - more especially when it is to be feared that evil rather than good is the consequence of these amateur ministrations.'

There was certainly truth in some at least of the criticisms levelled at those who carried on Mrs. Fry's work, and by the time of her death it was clear that there was no successor with comparable inspiration, ability and lack of sentimentality to carry on her work. As Janet Whitney wrote in 1937,¹ 'Mrs. Fry's influence succeeded, before her death, in establishing Ladies Committees for visiting prisons, not only all over England, but all over Europe. And had they been composed of people of her own calibre, there would be nothing left for future generations to accomplish in the way of prison reform.... But, difficult as it is to put one's finger on the exact secret of her genius, there has so far been only one Elizabeth Fry.' Sentimentality is, perhaps, the greatest danger in all women social workers. The gently nurtured members of the Ladies Committees were too often prone to this weakness - but Mrs. Fry

1. Whitney, p. 242.

herself was not sentimental. They might fuss and interfere; she never fussed, and was a model of tact, whether she was dealing with firms, such as Dixons, with Governors of prisons, or with Ministers of the Crown. She was always dignified, yet approachable and sympathetic; those who followed her were seldom able to combine these qualities. Her 'Observations on the Visiting, Superintendence and Government of Female Prisoners' are still a model for all prison visitors. 'Those who engage in the interesting task of visiting criminals,' she wrote,¹ 'must not be impatient if they find the work of reformation a very slow one. Such it will almost necessarily be in the generality of cases....'² Experience proves that if those persons who visit them are harsh in judging and condemning them, the effect is hurtful, rather than beneficial. Neither is it by any means wise, to converse with them on the subject of the crimes of which they are accused or convicted; for such conversation is injurious both to the criminals themselves, and to others who hear them; and, moreover, it frequently leads them to add sin to sin, by uttering the grossest falsehoods.... I³ will conclude this chapter with the expression of a desire, that the visitors may be at once wise as serpents, and harmless as doves.'

It seems particularly regrettable that so few of Mrs. Fry's enlightened views were carried into effect during the 19th century. The 1823 Act⁴ did indeed put into effect one of the main principles for which she strove - that women should be looked after entirely by

1. Observations, p. 23.

2. Ibid, p. 22.

3. Ibid, p. 25.

4. 4 Geo. IV c. 64.

women. She mentioned this in her evidence before the House of Commons,¹ and wrote in her 'Observations',² 'It is absolutely essential to the proper order and regulation of every prison, that the female prisoners should be placed under the superintendence of officers of their own sex.... Since the passing of the late Act of Parliament, for the regulation of prisons, our large jails have been generally provided with a matron and female turnkeys; but it is much to be regretted that in many smaller prisons no such provisions have yet been adopted. Nor ought it to be concealed that the persons selected to fill the office of matron are, in various instances, unsuitable for their post; and in other cases are unfitted for its fulfillment, by residing out of the prison.' She considered the appointment of suitable matrons to be vitally important for the satisfactory administration of women in prison.³ 'A matron placed over female prisoners ought assuredly to be a resident, not only within the walls of the prison, but in the same part of it as are the objects of her care; and great caution is ever found to be necessary in the selection of so important an officer. She ought never to be chosen because the situation is suited to her wants, but only because she is suited to fill the situation.' Women should, ideally, have separate prisons. These would not only simplify prison discipline, but would also save expense,⁴ 'for a prison for females does not require the same strength as one for the other sex, neither do their employments demand the same space as those of the

1. Memoir, I, pp. 298-9.

2. Observations, pp. 26-8.

3. Ibid, p. 29.

4. Ibid, p. 32; Memoir, I, p. 299.

men.' The first women's prison in Britain was not, however, established until long after her death.

Mrs. Fry considered¹ that women prisoners should be classified according to their general character and degree of criminality rather than according to the nature of the offence they had committed. She held liberal views on prison dress, and regarding the provision of sufficient warmth and bedding for prisoners.² In two respects alone would modern reformers feel out of sympathy with her 'Observations'. She accepted the tread-wheel,³ although she suggested that it should be used sparingly for women, and that those so employed should be given extra rations; and her Quaker distrust of vanity probably influenced her suggestion that the hair of women in prison should be cut off.⁴ 'If the long hair of female felons were cut off after their conviction, and afterwards kept quite short during their terms of imprisonment, it would be found to act as a certain yet harmless punishment; and would promote that humiliation of spirit, which, in persons so circumstanced is one indispensable step to improvement and reformation.' Such a step would have been the equivalent of shaving the head of the present-day woman prisoner.

Mrs. Fry was also concerned with the difficulties faced by women prisoners on their release from prison; and she might be said to have founded After-Care for women. She considered that one advantage in providing work for prisoners, was so that they might acquire skills and be able to maintain themselves when they were discharged.⁵ Those

1. Observations, p. 34.

2. Ibid, pp. 60-1.

3. Ibid, pp. 50-1.

4. Ibis, p. 61.

5. Ibid, pp. 50-1.

prisoners who had no means of livelihood on release would inevitably return to their former ways of life. It was also important that prisoners without a home to go to should be provided with somewhere to stay until they could find employment. In 1824 the Ladies Committee considered the problems of discharged prisoners. Their Report for this year¹ mentions 'Shelters' in Dublin and Liverpool. In 1822, through the initiative of Miss Neave, a small house, 'Tothill Fields Asylum', was opened in Westminster. At first it had only four inmates, chosen from the most hopeful cases among the women prisoners, but by 1824 this number had been increased to nine. In 1847 the Asylum - now known as the Royal Manor Hall Asylum - contained fifty women. Mrs. Fry considered work for discharged prisoners to be of the utmost importance. As a result of her efforts in Scotland, the British Ladies Committee were able to report,² in 1842, that Glasgow already had a Refuge, and Greenock a small one for young girls. A refuge was about to be opened in Perth, and it was hoped to establish one in Edinburgh in the near future.

During the years up to her last illness in 1843, Mrs. Fry travelled extensively in Britain and abroad. Her brother, Joseph John Gurney, who accompanied her on many of her journeys, said of Howard³ that his efforts 'were directed more to the alleviation of distress than to the diminution of crime; more to the maintenance of the prisoner's health than to the reformation of his morals.' Mrs. Fry's approach was more practical and personal. Where she saw a need, she improvised to meet that need; and her practical ability

1. Memoir, I, pp. 464-5.

2. Timpson, p. 100.

3. J.J. Gurney - Notes on a Visit etc.; London; 1819, p. 98.

enabled her to face and solve problems as they arose, and to discuss them with reformers abroad on an equal footing. The four main points of her programme for reform, which she stressed to the House of Commons in 1818¹ - employment, religious instruction, classification and the governing of women by women - she continued to strive for throughout her life. During her last years, however, she was also deeply concerned with a problem, which was the main focus of controversy on penal reform until the end of the nineteenth century - whether prisoners should be kept in separate or solitary confinement, or be allowed to live and work in association.

On this controversy Mrs. Fry held strong views. She realised that separate confinement avoided the danger of contamination by fellow prisoners, but felt that the danger of contamination by immoral and ill-chosen officers might take its place.² Solitary confinement was a punishment either much more severe or much less severe than had been intended. It affected both body and mind, and a large proportion of prisoners, when left in solitude, were³ 'more likely to consume their hours in ruminating over past crimes and exploits, and in devising and planning schemes for the commission of new ones,' than in contemplating means of reform. Mrs. Fry disapproved of the silent system, when carried to extremes, as much as she disapproved of solitary and separate confinement.⁴ 'No delusion did she consider greater, than that man can be treated as a machine, and remodelled, through having his conduct bent to obedience

1. Memoir, I, p. 298.

2. Ibid, II, pp. 308-10.

3. Memoir, II, p. 310.

4. Ibid, II, p. 388.

by strong coercion and dread of punishment.' Nothing was more likely to further reform and render prisoners fit for return to society than¹ 'a limited number of them being regularly instructed, and working together in small companies - say from ten to twenty - under faithful, constant, and strict inspection by day, and at night always sleeping in separate cells.' Women should never be separately confined, unless placed under the care of female officers,² and such confinement should be reserved for those convicted more than once. Ideally, women should work together under supervision,³ and take their meals and their recreation together. They should not be separated except at night. Solitary confinement should be awarded 'only in very atrocious cases,' although it was an advantage to keep women apart for a few weeks after they entered prison, so that the authorities might get to know them and their capabilities. In 1832 Mrs. Fry told Parliament⁴ that 'solitude does not prepare women for returning to social and domestic life, or tend so much to real improvement, as carefully arranged intercourse during part of the day with one another, under the closest superintendence and inspection, constant occupation, and solitude at night.'

The results of solitary confinement she observed during her tour of Scotland in 1838⁵ did not change her views; and during her tours abroad, she spoke forcibly of her belief in work in association.⁶ The system of solitary confinement in Pentonville - where convicts

1. Ibid, II, p. 312.

2. Ibid, II, p. 313.

3. Ibid, I, p. 297.

4. Ibid, II, p. 142.

5. Ibid, II, pp. 286-7.

6. See esp. Ibid, II, pp. 308-10.

wore masks, and saw nothing¹ 'beyond the mere monotonous walls of a cell' - was, to her sorrow, increasingly popular with prison administrators in Britain at the time of her death. Before discussing this problem, however, another group of women prisoners must be considered - those sentenced not to detention in prison for a specified time, but to be 'transported beyond the seas.'

1. Ibid, II, p. 396.

Chapter 9

THE TRANSPORTATION OF WOMEN CONVICTS TO AUSTRALIA

Between 1787 and 1840, a succession of ships, carrying men and women sentenced to transportation, crossed the seas to Australia. In 1787, an Order in Council had appointed Australia as the destination for 184 women convicts.¹ Fifteen of these women had originally been sentenced to be transported to America, and sixteen to Africa. During the next thirteen years, twenty-two convict ships sailed for Australia. Seven carried women alone; the others a mixed cargo of men and women. Altogether 1560 women convicts embarked for Australia during these years; and 120 died before they reached their destination.²

In the early phases of transportation women were exempted only on grounds of old age. All women under fifty, convicted of felonies, could be transported, and mothers of infants or small children, who would be separated from their families for life, were given no particular consideration. After sentence the women remained in their local prison until it was convenient to move them to the port of embarkation. This period of waiting sometimes extended to years. When, finally, arrangements had been made for their transfer, the prisoners were gathered in from all parts of the country, arriving³ 'in small parties, at irregular intervals, having been conveyed on the outside of stage coaches, by smacks or hoys, or any conveyance that offered, under the care of a turnkey.' Women, as well as men,

1. E. O'Brien - The Foundation of Australia; London; 1936, p. 172.

2. Ibid, pp. 384-5.

3. Memoir of the Life of Elizabeth Fry, I, p. 443.

were chained together and wore heavy irons to prevent their escape. In 1823 eleven women travelled from Lancaster with iron hoops 'round their legs and arms.'¹ They were chained to each other, and were 'not allowed to get up or down from the coach without the whole being dragged together.'

At Newgate - where large numbers of women assembled to join the ships - irons were also used. The prison authorities excused this action on the grounds that the violence of the women on the day of their departure, and the outbreaks of fighting and destruction which took place the night before, made it necessary to restrain them, so as to get them onto the open wagons in an orderly manner. Their progress to the waterside was accompanied by crowds and scenes of disorder. The prisoners themselves were² 'noisy and disorderly on the road and in the boats.' It was not surprising that Elizabeth Fry considered³ 'the mode in which they were brought on board to be 'highly objectionable.'

In 1818, however, Mrs. Fry decided to accompany a number of the women prisoners from Newgate to the ships. She obtained permission from the Governor for them to travel in closed carriages,⁴ and, as a result, there were no scenes of disorder. The women needed no irons to restrain them, and there were no riots in the prison the night before. The women prisoners said sad farewells, and those convicts who remained behind gathered a small collection, to provide comforts for those who were to be transported. At the quay-side, Mrs. Fry

1. Ibid, I, p. 444.

2. Ibid, I, p. 319.

3. Ibid, I, p. 443.

4. Ibid.

visited the ship, and divided the women on board into classes of twelve, with a monitor in charge of each class. Every woman was allotted a number to simplify the arrangement of seats at table, and give the prisoners some chance of identifying their own possessions. They were also provided with material for patchwork to occupy them during the voyage. Until her illness in 1841, Mrs. Fry visited every convict-ship that left England carrying women prisoners.

Conditions for women before transportation improved gradually as a result of Mrs. Fry's efforts.¹ The use of irons was made illegal, and women convicts continued to be taken to the ships in closed carriages, instead of open wagons. Regulations were passed which allowed them to take with them all children under seven years, and forbade the transportation of a nursing mother until her baby was weaned. Conditions on the convict ships in the 1820s, although an improvement on earlier voyages, were still likely to damage the health of all but the strongest women.

Governor Phillip, who was in charge of the first fleet to sail to Australia in 1787, had been horrified by the state of the women convicts when they arrived on board the 'Lady Penrhyn'.² Many were suffering from venereal diseases; and all were in such a state of filth and nakedness that some fell ill before clothes could be provided for them. The contractors were accustomed to budget for a six-weeks' voyage to America. They could not envisage the amount of stores and equipment necessary for a voyage of eight months. Phillip was eventually given some clothing for the women, but this

1. Timpson, p. 121.

2. O'Brien, p. 208.

was so poor in quality, that it fell to pieces in a few weeks. As he had hardly any spare garments for the women, he was forced to improvise with sacking. In spite of these difficulties, however, the fleet sailed for eight months and a week. It covered 15,000 miles, and - due mainly to Phillip's supervision - out of 1,400 convicts only 32 died.¹ No such supervision was provided in 1790 for the second fleet. The one Government agent accompanying the ships died early on in the voyage, and left the masters of the ships in entire control of all sanitary arrangements and the distribution of rations.² On the 'Neptune', one of the three ships which made up this second fleet, 147 out of the 424 male convicts, and 11 out of the 78 female convicts died before reaching Australia. Many more were so weak that they died soon after arrival.

Conditions for both men and women were little better than those on slave ships. As women were considered less dangerous than men, they were allowed more freedom on deck during the daytime, but at night they 'had to be locked up',³ and, therefore, suffered more from heat in the tropics than did the men. For the greater part of the voyage, however, all convicts were kept below decks. In 1791, on the 'Pitt',⁴ three rooms were set aside for women convicts. Two of these measured 6 ft. 7 ins. by 7 ft. 10 ins. - to hold ten women each - and one, for twenty-seven women, measured 13 ft. 7 ins. by 8 ft. 4 ins. Overcrowding, lack of sanitation, and often sheer starvation, gave little chance of survival to any woman who fell ill. In the

1. Ibid, pp. 213-4.

2. Ibid, pp. 241-3.

3. Ibid, p. 213.

4. Ibid, pp. 246-7.

early days, masters of transports were paid a certain sum for each person embarked. They were, therefore, unconcerned as to how many convicts reached the end of the journey. Indeed, every death lessened the expense of providing food, and increased the master's profits.

By 1818, conditions had improved, but for women convicts the voyage out to Australia was still a severe ordeal. The journey itself was dangerous, and might end in disaster. In 1833 the 'Amphitrite'¹ was 'proceeding gaily down channel, with a freight of 108 female convicts' when a violent storm arose, which forced the master to run her on shore. The surgeon ordered the long-boat to be launched, and would have taken off all the women, if his wife had not refused to travel in a boat with female convicts. The long-boat was therefore returned to the ship, and it was decided that no one should be put ashore that night. By morning the ship had been completely destroyed; and of the crew and convicts only three survived.

Incidents of violence also often occurred on the voyage. As late as 1846 while the 'Elizabeth and Henry'² bound for Van Diemen's Land (now Tasmania) was off Cape of Good Hope, 'the prisoners laid a plan for strangling the doctor.' Fortunately they were betrayed by one of the other women convicts and, according to the account, 'the doctor has now promised to forgive them if they conduct themselves well the rest of the voyage.' Opinions differed as to how successful the admirable efforts of Mrs. Fry and her helpers proved, once the benevolent ladies had been left behind. Griffiths considered them

1. Griffiths - Millbank, p. 404.

2. Ibid, p. 398, note.

too trusting, and many others in Britain at this time would have agreed with him that the majority of women sentenced to transportation were beyond all hope of reformation. Describing the behaviour of the most flamboyant and intractable women convicts in Australia, he added¹ 'It is rather a melancholy reflection that many of these women had been among Mrs. Fry's most promising pupils.' He confessed, however, that their experiences on the voyage out may have contributed to their downfall, and that 'perhaps all the women were not originally bad.'

Between 1823 and 1830, 33 ships carrying women convicts left for Australia.² The yearly figure rose to six in 1830 due to the Government's desire to increase the female population of New South Wales. The Ladies Committee continued their work to improve conditions for women on these ships. They gave to each prisoner³ 'one Bible, one Hessian apron, one black stuff ditto, one black cotton cap, one large Hessian bag (to keep her clothes in), one small bag containing:- one piece of tape, one ounce of pins, one hundred needles, four balls of white sewing cotton, one ditto black, one ditto blue, one ditto red, two balls of black worsted, half an ounce each, twenty-four hanks of coloured thread, one of cloth with eight darning-needles one small bodkin fastened on it, 2 stay laces, one thimble, one pair of scissors, one pair of spectacles when required, two pounds of patchwork pieces, one comb, one small ditto.' For each mess on board the ship a knife and fork and a ball of string were provided. The choice of these articles showed considerable

1. Ibid, p. 282, note.

2. Memoir, II, pp. 10-11.

3. Timpson, p. 122.

practical understanding of the needs of the convict women, and must have been of great value to them, since many of them were in a state of complete destitution.

The two pounds of patchwork pieces were provided to occupy the women during the voyage. Those who finished their quilts quickly, could sell them at Rio de Janiero,¹ where the ships docked on their outward journeys; the others would have something to sell on their arrival in Sydney, and so gain some money to tide them over the first difficult days. The Committee provided libraries on all ships. Their choice of books for these libraries showed, however, rather less understanding of the needs of the convicts than their choice of the other comforts. The ships' libraries contained books on travel, history, biography, religion and serious poetry but no 'novels, plays and other improper books'² were provided. In 1826 Mrs. Fry observed,³ after visiting two of the convict ships, that 'their order, cleanliness and general appearance delighted me; I was struck with the wonderful change, since we first undertook them.' Although many of the women may have lapsed from their good intentions before they reached Australia, there is no doubt that such orderliness and humanity as existed on board the transports, was due largely to the work of Elizabeth Fry.

The arrival of the convicts at Sydney was an important occasion. According to Griffiths the women landed, in the 1830s,⁴ 'decked out in their finest feathers. There was no attempt to enforce a plain

1. Memoir, I, p. 320.

2. Whitney, p. 226.

3. Memoir, II, pp. 8-9.

4. Griffiths - Millbank, p. 280.

uniformity of attire; each woman wore silks and satins if she had them, with gay bonnets, bright ribbons and showy parasols.' On arrival, some of the convicts became servants to the settlers. In the early years of transportation qualifications had been required of those wishing to employ a convict servant, but before long it became the custom to grant permission to anyone who cared to apply. Cheap labour was provided for the settlers, who relieved the Government of having to support the criminals. The convicts were, in effect, handed over as slaves. Since there was no control over their masters until 1835,¹ the treatment they received varied from great kindness to extreme cruelty. At first, women servants were scarce in Australia and the convicts were often employed as governesses, but this experiment was not successful. The majority of the convicts became nursemaids and household servants. Their influence over young children was, however, felt to be undesirable² and many respectable settlers were unwilling to employ convict women at all. They were, therefore, employed generally by those settlers who were the most likely to exploit and ill-treat them. In 1838, it was reported³ that 'a considerable number of the female convicts are retained in the service of the lower description of settlers, by whom it is notorious that they are not uncommonly employed as public prostitutes.' A large number of women convicts were, however, employed in Government service. Eventually these women were housed

1. Ibid, p. 287.

2. Minutes of Evidence taken before Select Cttee. on Transportation; Reports from Cttees.; Vol. XXII, paras. 543, 406, 226 and 1459-60.

3. Report of Select Cttee. on Transportation, 1838; Reports from Cttees.; Vol. XXII, p. ix.

in a depot, known as the 'Factory', at Parramatta.

The establishment of this 'Factory' was due to the efforts of Mrs. Fry. In 1819 she had received a letter from the Rev. Samuel Marsden complaining that there was no place to put the women convicts when they landed at Sydney.¹ 'For the last five-and-twenty years, many of the convict women have been driven to vice, to obtain a loaf of bread or a bed to lie upon.... It was the custom for some years, when a ship with female convicts arrived, soldiers, convicts and settlers were allowed to go on board, and take their choice; this custom does not now openly obtain countenance and sanction, but when they are landed they have no friend, nor any accommodation, and therefore, are glad to live with anyone who can give them protection... nor will it be the least improved, till they can be provided with a barrack.' After long delays, a 'barrack' for women was built at Parramatta, where they could stay until they found suitable work. It had become the custom to award women certificates for good conduct during the voyage out,² and those who held such certificates had no difficulty in finding work immediately. The Factory, therefore, contained the less satisfactory convicts, and also became the home of those returned by their employers for misconduct. At first the depot was well administered, but the situation soon deteriorated, and it became³ 'a home and refuge for the idle and profligate.'

Griffiths describes the building as⁴ 'not unlike an English poor-house.' It was large, 'and stood amidst spacious courtyards

1. Memoir, I, pp. 367-71, at pp. 368, 370.

2. Ibid, II, p. 193.

3. Ibid, II, p. 254.

4. Griffiths - Millbank, p. 281.

and gardens. The accommodation provided was of the best. There was plenty of food and comfortable raiment. The women were not confined always within the walls, they had money in plenty, and there was little or no work to be done, even by those in the lower stages or classes. A few were made to wheel sand or gravel for gardening purposes, but the barrows used were of light construction, and the women laughed openly, and made a joke of the labour imposed. The administration of the establishment was entrusted for years to a matron, whose character, to say the least of it, hardly entitled her to so responsible a charge. It was alleged that she misappropriated the labour of the convicts, keeping back the best prisoners to employ them for the benefit of herself and her daughters.'

As has been mentioned, women who failed in service were returned to Parramatta. This, according to Griffiths,¹ 'was just what they wished.' All the women much preferred to be at the factory. 'It was far better,' they said, 'than at service.' Well-behaved convicts seem, however, to have dreaded the prospect of being returned to the Factory,² and the impressions gained in 1836 by a member of the Ladies Committee³ do not fit in with Griffiths' rosy picture. She found few signs of kindness and understanding, no attempt at reformation, and many 'dark and comfortless' punishment cells.

Griffiths also gives a graphic description of how free settlers chose their wives from the Factory.⁴ 'As a general rule the assigned servant, whether in town or country, paid a visit to Parramatta

1. Ibid.

2. Minutes of Evidence before 1838 Cttee.; Vol. XV, para. 628.

3. Timpson, pp. 151-172.

4. Griffiths - Millbank, p. 294.

factory, and made his case known to the matron by whom it was governed. "Turn out the women of such and such a class," cried forthwith Mrs. G, and the marriageable ladies come trooping down, to be ranked up in a row like soldiers, or like cattle at a fair. Benedict walks down and inspects, then throws his handkerchief, and if the bride be willing, the two retire to a corner to talk a little together. If the conversation is not quite satisfactory to "Smith, Aboukir," or "Jones, Lady Dacre" (convicts in Australia were always known by their name and the name of the ship in which they had come out), he makes a second selection; and so on, perhaps with three or four. Cases were known of fastidious men who had run through several hundreds, and had declared in the end that there was not a single woman to suit. Others were less particular.' Marriage between free men and convict women was encouraged. In 1838, however, it was reported that marriages between convicts seldom turned out well,¹ 'for the woman not unfrequently becomes the common property of the convict servants on the establishment; and gives rise to innumerable quarrels among the men, who purchase her favours generally by petty larcenies upon their master.'

From 1837, conditions improved in the Parramatta Factory,² but by this time the number of women convicts arriving from Britain was gradually falling off. In 1839 Sir William Molesworth's Committee criticised the system of transportation prevailing at this time. In their view³ 'the two main characteristics of transportation as a punishment are inefficiency in deterring from crime, and remarkable

1. Report, Vol. XXII, p. ix.

2. Griffiths - Millbank, p. 254.

3. Report, Vol. XXII, p. xli.

efficiency not in reforming, but in still further corrupting those who undergo the punishment - ...these qualities are inherent in the system, which therefore is not susceptible of any satisfactory improvement.' Only fear of the vast expenditure involved in providing prisons for convicts prevented the abolition of transportation. As the numbers of non-convict settlers in Australia increased, they protested more loudly against the convict invasion; and, from 1840, all convict fleets were diverted to Tasmania, which had not protested so far, partly because it was comparatively uninhabited. In Tasmania it was planned that convicts should serve their sentences under a system of probation, rather than assignment, and emerge, by stages, as free citizens of the country.

Women convicts, as well as men, were transported to Tasmania, and welfare for these women was again provided by the Ladies Committee. In 1842 - on hearing that the 'Garland Grove' would be leaving with 205 female convicts¹ - the Committee applied to the Secretary of State for the Home Department, for permission to find 'suitable persons to accompany them as matrons.' Permission being granted, they arranged for matrons on all the ships² to mitigate 'the evils attendant upon the transportation of females.' In Tasmania, conditions were no better than they had been in Sydney, in spite of the proposed reforms.³ No probation system was in force for women; they were still assigned as servants. Nor was there any question of employers being expected to show qualifications of fitness. The only persons not permitted

1. Memoir, II, p. 438. For a description of the voyage of the 'Garland Grove', by one of the matrons, see Timpson, pp. 138-43.
 2. Memoir, II, pp. 439-41.
 3. Ibid, II, pp. 459-60.

to employ women convicts were publicans, or ticket-of-leave holders.

It may be mentioned here that women could also qualify for tickets-of-leave. The conditions under which such 'tickets' were granted were probably always more flexible for them than for men, even after the Act of 1832.¹ A convict woman gained her freedom on marriage, but remained under police supervision. The Rev. Dr. Lang, giving evidence before the Molesworth Committee, observed² 'when she gets drunk, as is frequently the case, she is liable to be sent to the factory, or to have her ticket-of-leave cancelled.' From 1829, women convicts could marry after they had served one year in assigned service,³ provided their conduct had been good throughout that year. This was, in fact, not an easy qualification to achieve. A bad employer - of which there were many - would, without hesitation, give a bad report if it suited his purpose; and few of the women were by nature patient and industrious.

The 1838 Report described them as all⁴ 'with scarcely an exception, drunken and abandoned prostitutes.' Even allowing for exaggeration, the temptations which faced a woman convict at this time were, undoubtedly, hard to resist. 'In⁵ a private family, in the interior of either colony, a convict woman, frequently the only one in the service, perhaps in the neighbourhood, is surrounded by a number of depraved characters, to whom she becomes an object of constant pursuit and solicitation; she is generally obliged to select

1. 2 and 3 Will. IV c. 62.

2. Minutes of Evidence, Vol. XV, para. 3534.

3. W.D. Forsyth - Governor Arthur's Convict System; London; 1935, p. 70.

4. Report, Vol. XXII, p. ix.

5. Ibid.

one man, as a paramour, to defend her from the importunities of the rest; she seldom remains long in the same place; she either commits some offence, for which she is returned to the Government; or she becomes pregnant, in which case she is sent to the factory, to be there confined at the expense of the Government; at the expiration of the period of confinement or punishment, she is reassigned, and again goes through the same course; such is too generally the career of convict women, even in respectable families.'

In Tasmania - as in Sydney - the problem of housing women who did not immediately find employment, or who were returned from service for misconduct or incompetency, presented great difficulties. Two 'Houses for the Correction of Females' were established at Hobart and Launceston,¹ and it is perhaps significant that in one year each House contained as many convicts as the yearly average admitted into the colony. In 1843 the deplorable conditions endured by women convicts in Tasmania were relieved slightly by the arrival of a man-of-war, the 'Anson'.² It was arranged that all women convicts should spend six months on board the warship, under instruction, before being sent out into domestic service. A new prison was also planned; but before it could be built, the probation system for male convicts broke down. The supply of convicts was far greater than the demand, so that men who had earned the right to enter private service or employment, could find none available. In 1846, the over-crowding in Tasmania, and the increasing antagonism of the free settlers to those who had earned their freedom, forced the

1. Forsyth, p. 70.

2. Memoir, II, p. 462.

British government to suspend all transportation for two years.

This suspension, in practice, marked the beginning of the end of transportation for women. Although later it was resumed in modified form, the Government found it impossible to overcome opposition to convict settlers. The Anti-Transportation League formed by the Eastern States of Australia refused to accept convicts of any kind, and in 1852 the last fleet sailed for Tasmania. Western Australia still continued to receive male convicts, but no women convicts were sent there,¹ 'in accordance with the strongly expressed desire of the colonists.' Even this limited acceptance of convict labour caused friction between Western Australia and its neighbours. In Britain the Acts of 1853² and 1857³ substituted terms of penal servitude for sentences of transportation, and provided that the second part of such terms could be served abroad. In fact, only small numbers of male convicts were sent to Bermuda and Gibraltar, as well as to Western Australia; and in 1867 transportation finally came to an end.

Throughout the 18th and 19th centuries, many arguments were put forward in favour of transportation. It removed dangerous criminals from the community to another where they could do less harm. In this new country they could live a more normal life than they could have done in prison, and by learning to be self-supporting might become good citizens. Once self-supporting, they would cease to be a charge on the Government, and reduce the burden on the prison

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1. E. du Cane - The Punishment and Prevention of Crime; London; 1885, p. 150; see also Report of Penal Servitude Acts Commissioners, 1863, Parl. Papers, 1863, Vol. XXI, Vol. I, p. 70.
 2. 16 and 17 Vict. c. 99.
 3. 20 and 21 Vict. c. 3.

administration. After serving their sentences, convicts could either return to their homes in Britain, or merge into the free population of the country to which they had been transported.

These arguments were even less sound when applied to women, than when applied to men. The attraction of transportation as a punishment lay mainly in the casting-out of the 'wicked' from the community, with little concern as to what happened to them afterwards. This policy might include elements of retribution and deterrence - it certainly did not include any planned policy for 'reformation'. Far from being self-supporting, the penal settlements became such a drain upon public funds that expense was one of the main arguments used to bring transportation to an end. The more fertile land and healthier parts of all countries were naturally coveted by free settlers, who actively opposed all attempts to establish convicts in their midst. The sites left available for convict settlements were, as a rule, unhealthy, barren and unproductive; to survive, women convicts were often forced into occupations which involved them in dishonesty and prostitution. Such weaknesses had frequently been the original cause of their downfall and transportation - but the irony of this situation generally passed unnoticed.

There remained the argument that a more 'normal' life ~~which~~ could be lived abroad, ~~rather~~ than in prison in Britain. When women's prisons were first established in Britain, there is no doubt that the apathy and rebellion of some women convicts was increased by the prospect of serving their sentence behind walls,¹ instead of

1. See Report of Directors of Convict Prisons, 1854 - Parl. Papers, 1854-5, XXV, p. 367.

in what seemed the comparative freedom of a settlement beyond the seas. Work in prisons was monotonous and threats of solitary confinement made life abroad, even with a bad employer, seem a welcome alternative. The reality of life in a convict settlement was, however, hard and grim - and such life could never be 'normal'. Conditions of employment, and the preponderance of men among the free settlers and the convicts themselves, made prospects of a stable existence most unlikely, even for women inclined to reform.

Women convicts could save little money from the low wages they were generally paid. For the great majority of them there was no possibility of return to their families and friends in Britain, even had there been any prospect of their receiving a welcome home. In Australia, too, the surgeon's wife, who would not travel in a boat with convict women, had kindred spirits among the wives, sisters and daughters of the free settlers. Without the means to return to Britain, yet unacceptable to the country in which they were intended to 'merge', women convicts in Australia must often have viewed the future without hope.

Chapter 10

PRISON REFORM: 1823 - 1865

The Prison Act of 1823¹ had emphasised the need for hard labour in prisons, continuing the policy laid down in 1779² that 'labour of the hardest and most servile kind, in which drudgery is chiefly required...such as treading in a wheel or drawing in a capstan for turning a mill or other machine' was an essential part of any penal regime. One of the methods of 'correction' suggested by Bentham had been a 'walking-wheel'.³ Now the tread-mill - the 'everlasting staircase' as it was known to prisoners - became accepted as the ideal mode of punishment. Women as well as men were employed on the treadmills. Mrs. Fry considered⁴ that it might 'be found useful to the refractory, the hardened and the depraved, even among female prisoners;' but she added, 'this is a discipline which ought to be applied to women, only under very watchful care, and with strict limitations; for the female character is seldom improved by such rough and laborious occupation. I should hope that none need be thus engaged for more than a short time.' The treadmill never became a popular method of employment for women prisoners, since it was - as always - easier to provide work for women in prison than for men. This discrimination, however, was not approved by many concerned with prison conditions. In 1822, Sydney Smith observed,⁵ 'We would banish all the looms of Preston jails, and substitute

1. 4 Geo. IV c. 64.

2. 19 Geo. III c. 74.

3. Clay, p. 97.

4. Fry, pp. 50-1.

5. Works of Rev. Sydney Smith; London; 1850, p. 347.

nothing but the tread-wheel, or the capstan, or some species of labour where the labourer could not see the results of his toil - ... There should be no tea and sugar, - no assemblage of female felons round the washing tub, - nothing but beating hemp, and pulling oakum, and pounding bricks, - no work but what was tedious, unusual and unfeminine.' Many so-called experts considered that prison labour should be as hard and as monotonous as possible, in order to punish the prisoner, and hasten her repentance. The tread-mill and the crank were suitable forms of such labour. As the Rev. Walter Clay remarked,¹ 'The only point on which there existed any difference of opinion was as to the number of diurnal revolutions which yielded a maximum of reforming power.'

Advocates of solitary confinement naturally favoured such forms of prison work, since it was not easy to provide occupation for men and women confined alone in their cells all day and all night. The merits of solitary or 'separate' confinement, compared with what was termed the 'silent' system, was the main topic of controversy on prison reform during the first half of the 19th century. In the United States these two regimes were known respectively as the 'Pennsylvania' system - where prisoners were confined in complete solitude by day and by night, even their food being handed to them through a trap in the door of their cells - and the 'Auburn' system, under which prisoners worked together in silence during the day, and were confined alone at night.² Supporters of the Pennsylvania

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1. Clay, p. 98. For examples of the treadmill for women see Annual Reports of Inspectors of Prisons, e.g. for 1838 - Parl. Papers, 1837-8, XXX - Supplement to Pt. I, Home District, pp. 30 and 70.
 2. For descriptions of Pennsylvania and Auburn systems, see E. Sutherland - Principles of Criminology, 4th ed., Chicago; 1939, pp. 415-8.

system maintained that by preventing all contamination, prisoners could be more easily reformed and subjected to religious influences; but in America the popularity of this system waned considerably in the light of experience. The authorities were discouraged both by the cost of providing the buildings and supervision necessary to impose solitary confinement, and by the obvious mental strain imposed on the average prisoner by long periods of solitude. The majority of States decided that the Auburn system provided sufficient guards against contamination without involving such mental strain or expense.

Many European countries, including Britain, felt that they might profit from the experiences of the United States. Observers were despatched from Belgium, France and Prussia to report on prison conditions in America; and, from Britain, Mr. William Crawford was sent as a special Commissioner in 1832. He returned firmly convinced that the Pennsylvania system was preferable to the Auburn. In his opinion the order and quietness observed by visitors in the Auburn system was due to the savage cruelty of the officers in charge,¹ who maintained order by use of whips - keeping them well out of sight, however, when strangers were around. There is no doubt that in the early years of the Auburn system floggings were carried out to excess, and that women as well as men were flogged. Crawford mentions an incident² where a pregnant woman, named Rachel Welsh, died after having been flogged by an assistant keeper. The keeper was not punished, nor even dismissed from his office. Crawford found this

1. W. Crawford - Report on the Penitentiaries of the United States; Parl. Papers, 1834, XLVI, p. 17, note.
 2. Crawford, pp. 17, 18, note.

physical discipline inferior to what he called the 'moral' discipline of the Pennsylvania system. He particularly admired the Eastern Penitentiary in Philadelphia, where he saw the system of solitary confinement being put into effect. 'The whip inflicts immediate pain,' he wrote,¹ 'but solitude inspires permanent terror. The former degrades, while it humiliates; the latter subdues, but it does not debase.... Auburn stimulates vindictive feelings; Philadelphia induces habitual submission.' He concluded that solitary confinement was² 'not only an exemplary punishment but a powerful agent in the reformation of morals. It inevitably tends to arrest the progress of corruption. In the silence of the cell contamination cannot be received or imparted.... Day after day, with no companions but his thoughts, the convict is compelled to reflect and listen to the reproofs of conscience.'

The views of Charles Dickens, after his visit to the Eastern Penitentiary were, however, very different from those of Crawford. He wrote in his 'American Notes',³ 'I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers.... Over the head and face of every prisoner who comes into this melancholy house, a black hood is drawn; and in this dark shroud, an emblem of the curtain dropped between him and the living world, he is led to the cell from which he never again comes forth, until his whole term of imprisonment has expired.' Dickens saw three young women, in adjoining cells, 'all convicted at the same

1. Ibid, p. 19.

2. Ibid, p. 12.

3. American Notes; London; 1842, I, p. 238.

time of a conspiracy to rob their prosecutor.' 'The faces of the women,' he observed,¹ 'it (solitary confinement) humanises and refines, whether this be because of their better nature, which is elicited in solitude, or because of their being gentler creatures, of greater patience and longer suffering, I do not know; but so it is. That the punishment is, nevertheless, to my thinking, fully as cruel and as wrong in their case, as in that of the men, I need scarcely add.' Dickens summed up forcefully his horror of the entire system of solitary confinement,² 'I solemnly declare, that with no rewards or honours could I walk a happy man beneath the open sky by day, or lie me down upon my bed at night, with the consciousness that one human creature for any length of time, no matter what, lay suffering this unknown punishment in his silent cell, and I the cause, or I consenting to it in the least degree.'

Crawford has been described as a³ 'man without imagination, and, perhaps consequently, without heart.' It should not be forgotten, however, that his views were shared by his fellow-observers from Europe, who also returned to their countries to give similar advice. Crawford continued to support the system of solitary confinement until the end of his life. Only the heavy expense which would have been involved in providing suitable accommodation for prisoners, and adequate supervision to ensure their solitude, prevented the separate system from being generally adopted in Britain.

At this time, however, it was not easy to ensure that the principles of any system - solitary or silent - should be introduced

1. Ibid, pp. 241-2.

2. Ibid, pp. 239-40.

3. Ives, p. 185.

into prisons in Britain. The 1823 Act applied only to county gaols, and to the prisons of less than twenty specified towns. It was not until 1835, after the Report of a Committee of the House of Lords, that the first step was taken towards centralisation of prison administration. An Act passed in that year¹ provided that in future all prison Rules should be authorised by the Secretary of State. Magistrates were to submit to him all new regulations they proposed to introduce. With these he could deal as he thought fit, substituting his own regulations if he considered it necessary. By the same Act, the Secretary of State was given power to appoint five Inspectors of Prisons. A further Act, in 1839,² increased his powers over the design of prison buildings, by requiring all plans for new constructions or alterations to be submitted for his approval. This Act repealed the classification clauses of the 1823 Act, and authorised local authorities to introduce the separate system into their prisons, 'provided always that no cell shall be used for the separate confinement of any prisoner which is not of such a size, and lighted, warmed, ventilated and fitted up in such manner, as may be required by a due regard to health.'

By this time it had become apparent that no prison existed in Britain - except possibly in Glasgow - in which any of the contemplated reforms and changes in discipline necessary for the introduction of a system of separate confinement could be carried out.³ 'Model Prisons' were, therefore, planned, and in 1842 the first of these prisons was

1. 5 and 6 Will. IV c. 38.

2. 2 and 3 Vict. c. 56.

3. E. Ruggles-Brise - The English Prison System; London; 1921, p. 64.

established at Pentonville.¹ During the next six years 54 similar prisons were built, and 11,000 cells provided in which prisoners could be separately confined.² In spite of this increase in prison buildings throughout the country, and the new powers of the Secretary of State, there was no uniformity as yet in the prison administration. Labour was severe and monotonous in the majority of prisons, but at Reading the prisoners 'were employed in nothing but education', so that it became known as the 'Read-read-reading Gaol'. According to Du Cane,³ 'as a privilege convicts might pick oakum for a short time when weary of reading, but no heavy labour which might distract their attention from literature was permitted.' The movement towards centralisation continued, however, throughout the next twenty-five years, and in 1845 a Surveyor-General was appointed, to superintend the construction of prisons.⁴ Sir Joshua Jebb, the architect of Pentonville, one of the first holders of this office, exerted a considerable influence upon prison administration during this period.

Since the reduction of capital offences, and the decline of transportation, imprisonment had become the main punishment which the Government could employ to combat crime. Interest in penal problems was growing, both nationally and internationally. In the middle of the 19th century a new group of social reformers appeared in Britain. They collected and published information, not only on prison conditions at home and abroad, but also on new experiments in prison reform. Amongst these reformers were the Rev. John Clay,

1. By 5 and 6 Vict. c. 56.

2. Du Cane, p. 56.

3. Ibid, p. 57.

4. 7 and 8 Vict. c. 50.

Chaplain of Preston Gaol, and his son, the Rev. Walter Clay, Matthew Davenport Hill, and Mary Carpenter. They considered that the general public should be made aware of prison conditions throughout the country, and of policies of penal reform generally. In the words of his son, John Clay¹ 'always deprecated most earnestly any resort to partial, palliative measures, for fear the nation should rest contented with "having done something" before one-hundredth part of the evil was subdued.' Many of the reformers, including Matthew Davenport Hill,² felt that suppression of individuality within a strict system of solitary confinement could not provide a sound foundation for the development of moral character. Prison discipline should strengthen and train the will-power of prisoners and increase their sense of responsibility and self-control, so that they might better adjust themselves to society on their release.

Mary Carpenter stressed³ that 'the women should from the very first be made clearly to understand that their future prospects depend on themselves alone.' She, and her fellow-reformers, advocated a system of marks and progressive stages, such as had been developed by Captain Maconochie in Norfolk Island, and by Sir Walter Crofton in Ireland. During this period a progressive stage system for prisoners was introduced in England and Wales by Sir Joshua Jebb. It provided that, after a period of solitary confinement,⁴ convicts should advance by stages through a period of labour in association

1. Clay, p. 492.

2. e.g. M.D. Hill - Suggestions for the Repression of Crime; London; 1857, pp. 242-252.

3. Mary Carpenter - Our Convicts; London; 1864, II, p. 251.

4. After 1857 this period of solitary confinement was set at nine months by 20 and 21 Vict. c. 3.

on public works, until they were eventually released on 'licence'. Jebb's system differed from that advocated by Maconochie and Crofton, in that, rather than emphasising the need for development of a sense of responsibility, it concentrated on gradual relaxation of the severe regime imposed on convicts when first admitted to prison.

For women convicts Jebb proposed¹ that the 'first stage of discipline' should be carried out at Millbank Prison, 'where two classes will be established, viz. the probation class and the third class. The second stage of discipline will be carried out at Brixton, where the prisoners will be divided into the first, second and third classes. The third stage of discipline and industrial training prior to discharge will be carried out at the Refuge, Fulham, for those prisoners who, by their exemplary conduct in the first and second stages, their previous character and future prospects, appear deserving of being removed to that establishment.' Conditions in these three institutions from 1840 to 1865 will be discussed more fully in the following chapter.

Women convicts had been returned to Millbank after its reopening,² and for a time it was used as a clearing house for women sentenced to transportation. In 1849, however, the Inspectors of the prison³ reported that the conduct of women transferred to the convict ships from local prisons was far better than that of women who had spent some time in Millbank before transportation; and despite the Act, passed in 1843,⁴ 'to ensure the better regulation of the penitentiary

1. Report of Directors of Convict Prisons, 1856 and 1857 - Parl. Papers, 1857-8, XXIX, p. 56.

2. Griffiths - Millbank, pp. 90 ff.

3. Report of Inspectors of Millbank Prison, 1849 - Parl. Papers, 1850, XXIX, pp. 3-4.

4. 6 and 7 Vict. c. 26.

at Millbank,' conditions in that prison remained unsatisfactory. When transportation finally ceased, overcrowding at Millbank forced the Government's hand, and in 1853, Brixton Gaol, which had been due for demolition, was bought from the local authority. By November, it was clear that the overcrowding at Millbank must be relieved at once. At this time 75 cells were available at Brixton. 75 women, 'chosen in consequence of their previous good behaviour and their acquaintance with prison discipline'¹ were, therefore, transferred to Brixton, and by June the prison was full.²

Three years later, in 1857, Jebb described his proposal to provide an establishment³ 'of a less penal character than an ordinary prison', to act as an intermediate stage between close imprisonment and discharge on licence. He had hoped originally to use the Refuge at Dalston for this purpose, but financial difficulties prevented its purchase, and eventually the Directors acquired a property known as 'Burlington House' at Fulham.⁴ The attempt to introduce some form of intermediate stage at Fulham met, however, with little success. Starting as a 'Refuge', with a regime intended to provide greater freedom and less supervision than in closed prisons, the discipline at Fulham grew progressively more strict over the years, until it became a prison in all but name.⁵

The 'intermediate stage' was an important part of the Irish system of progressive stages. Convicts were employed⁶ 'under

1. H. Mayhew - The Criminal Prisons of London, etc.; London; 1862, pp. 175-6.

2. Report of Directors of Convict Prisons, 1854, p. 366.

3. Ibid, 1856 and 1857, p. 55.

4. Ibid, p. 56.

5. The name Fulham 'Refuge' was altered to Fulham 'Prison' in the Report of the Directors for 1869.

6. Second Report of Directors of Convict Prisons for Ireland; Parl. Papers, 1856, XXXIV, p. 23.

circumstances of exposure to the ordinary temptations and trials of the world, when the reality and sincerity of their reformation may be fairly and publicly tested.' Mary Carpenter realised the difficulties of providing such a stage for women prisoners,¹ since it could not prepare a woman for the domestic life, which would most probably be their ultimate destination, but she nevertheless admired the efforts of the nuns in Ireland to introduce this stage. At Golden Bridge² the women prisoners were 'still under their sentence of detention, and subject...to be sent back to Mountjoy should their conduct prove unsatisfactory; and they are under the constant inspection of the Directors; but, in other respects, they are under the management of the nuns.... Golden Bridge has large grounds connected with it, which afford to the women the salutary influences of out-door occupation; there are the garden and potato-ground to be cultivated, and the pigs and poultry to be attended to; the care of animals is generally beneficial, and intercourse with nature always is so.' Mary Carpenter considered that³ 'an essential part of the work of reforming such women...is the healthy development of their affections.' Her realisation of the claustrophobic effects of fortress prisons on the average woman, and the importance of out-door occupations, particularly those concerned with the care of gardens and animals, ^{was} ~~were~~ far in advance of her time.

Jebb's progressive stage system was soon criticised as making prison life too comfortable. All progress depended on good conduct, measured by exact rules.⁴ Provided a woman's behaviour was good in

1. Carpenter, II, pp. 254-5.

2. Ibid, II, pp. 269-70.

3. Ibid, II, p. 211.

4. Griffiths - Millbank, p. 443.

prison, many considered that she could do as little work as she liked. In 1850 a Committee of the House of Commons was appointed which declared¹ that 'proper punishment, separation or reformation' was 'nearly impossible' in many of the prisons in Britain. The Committee advised the introduction of the separate system - as adopted in Pentonville² - in all prisons, for prisoners serving short sentences. It recommended, however, that for those serving long sentences, such confinement should not be continued for more than twelve months, after which they should work in association, but in silence. To achieve uniformity, the Committee recommended that a central authority should be appointed to administer prisons, with power to make Rules.³ No action was taken on this Report, but in the same year the first 'Directors of Convict Prisons' were appointed.⁴ From this time their yearly Reports provide a full picture of conditions for women in Millbank, Brixton and Fulham, and later in the other convict prisons which took their place.

In 1857⁵ the Penal Servitude Act provided that partial remission of sentence might be earned by convicts who had been of good behaviour. The introduction of some system of remission had long been urged by those concerned with women prisoners. When Fulham Refuge had been opened in 1856, the first batch of women to arrive apparently expected that their transfer to the Refuge would be followed by a reduction in their sentences.⁶ When they discovered that they had to serve their

1. Parl. Papers, 1850, XVII, p. iv.

2. Ibid, pp. iv and v.

3. Ibid, p. iv.

4. 13 and 14 Vict. c. 39.

5. 20 & 21 Vict. c.3.

6. Report of Directors of Convict Prisons, 1856 - Parl. Papers, 1857, Sess. 2, XXIII - p. 354.

full term of imprisonment, disturbances broke out, and fourteen of the women had to be returned to Millbank before order could be restored. In 1859 it was announced that periods of remission permitted to women would be graduated according to the length of their sentence¹ - six months in a three years' sentence and two years in an eight years' sentence. Any woman serving more than fifteen years might earn up to one-third remission of her sentence. The Directors reported that the introduction of this scheme had a 'good effect' on the discipline of the women convicts.

In 1863, however, a Royal Commission again condemned the administration of prisons in England and Wales. They found that penal servitude² 'appears not to be sufficiently dreaded either by those who have undergone it, or by the criminal class in general.' The fault, they considered, lay, not in the system itself, but in the shortness of sentences served by convicts, and in the discipline maintained in the prisons.³ The Report recommended that a mark system should be adopted, and that convicts should earn remission of sentence, not only by good conduct, but by the amount of work they performed.⁴ In 1863⁵ a House of Lords Committee recommended that 'the principle of separation should be made to pervade the entire system' of all prisons. Prisoners should be subdued and reformed by suffering 'hard labour, hard fare and a hard bed.'⁶

1. Ibid, 1859 - Parl. Papers, 1860, XXXV - p. 260.

2. Report of the Penal Servitude Acts Commissioners, Parl. Papers, 1863, XXI, Vol. I, p. 23.

3. Ibid, I, pp. 23-5.

4. Ibid, pp. 29-30.

5. Parl. Papers, 1863, IX, p. vii - these words were used in his evidence by Sir J. Jebb.

6. Ibid, p. vi; see also Parl. Papers, 1863, XXI, Vol. I, pp. 39-41.

In 1865 an Act¹ was passed which embodied the Committee's recommendations. Although accepting the need for uniformity, the Government was, however, still reluctant to offend local authorities, and left considerable powers over prisons in their hands. Visiting Justices were to be appointed to administer prisons in their area. They were required to comply with a Code of Rules - embodied in the Act - which could only be altered by statute. Any prison which did not conform with the Code might lose its Treasury grant or be closed down. The Act finally abolished the distinction between gaols and houses of correction, and provided that every prison should contain sufficient cells to house the highest recorded average number of prisoners. In all prisons separate divisions were to be introduced for women, who were to be supervised only by women officers.

Sarah Martin

In November 1832, the Keeper's Gaol Book in Great Yarmouth recorded² that 'Mrs. Fry, accompanied by Miss Martin, visited both prisons, went through every ward...and expressed her entire approbation of the cleanliness of the prisons, and in every respect the regular order of the prisoners.' By that year Sarah Martin had worked for the prisoners' welfare in Yarmouth for thirteen years. The story of her struggle to improve their conditions is one of the most remarkable in prison history.

In 1847 a writer in the Edinburgh Review described her³ as 'a

1. 28 and 29 Vict. c. 126.

2. M.F. Lloyd-Prichard - Sarah Martin; Howard Jour. (1948-9), VII, p. 220.

3. Edinburgh Review, 1847, p. 323.

little woman of gentle quiet manners, possessing no beauty of person, nor, as it seemed, any peculiar endowment of mind.' A dressmaker by trade, and with no private means, her interest in the prison began in 1810. In 1819, at the age of 28, she obtained permission to visit a woman, who had been sentenced to prison for having 'cruelly beaten her child.'¹ From then on Sarah Martin spent as much time with the prisoners as she could afford. At first she was only able to spare one day a week. After three years, however, friends helped her with money, so that she might devote more time to the prisoners,² and in 1826, on receiving a small legacy, she began to work full-time at the Gaol whenever possible. Only two years before her death in 1843, the Corporation of Yarmouth eventually granted her a salary of £12 a year.³

On her first visits Miss Martin read to the prisoners from the Bible, and soon began also to teach them to read and write.⁴ She introduced Sunday services,⁵ which she conducted herself. To her concern for the prisoners' moral welfare, was added considerable practical wisdom. In 1827 after visiting a young woman who had attempted suicide, she found⁶ 'that her mind was in a state requiring employment for her hands, as well as religious instruction. By the ready help of a few friends, two pounds six shillings were supplied, with which materials were purchased for shirts, coats, etc., for her to make to be sold.' Her friends - and also the 'British Ladies

1. Brief Sketch of the life of the late Miss Sarah Martin (her autobiography), 3rd ed., London; 1845, p. 9.

2. Ibid, p. 11.

3. Ibid, pp. 23, 28.

4. Ibid, p. 9.

5. Ibid, p. 10.

6. Ibid, p. 18.

Society' - continued to contribute small sums to finance the provision of materials, until ^{Miss Martin} ~~she~~ was able eventually to extend her scheme to men as well as women, and to establish a fund to provide work for prisoners on their discharge.¹

The impression made by her work even on the Inspectors of Prisons, is conveyed vividly by the First Report of the Inspectors in 1836.² 'This most estimable person has, for the long period of seventeen years, almost exclusively given up her time to bettering the wretched condition of the prisoners who are confined in the gaol. She is generally there four or five times every week, and, since her first commencing these charitable labors, she has never omitted being present a single sabbath day. On the week days she pursues, with equal zeal, a regular course of instruction with the male and female prisoners. Many of the prisoners have been taught to read and write, of which very satisfactory examples were produced; and the men are instructed and employed in binding books, and cutting out of bone, stilettoes, salt spoons, wafer stamps, and similar articles, which are disposed of for their benefit. The females are supplied with work according to their several abilities, and their earnings are paid to them on their discharge; in several instances they have earned sufficient to put themselves in decent apparel, and be fit for service. After their discharge they are, by the same means, frequently provided with work, until enabled to procure it for themselves. Only a single instance is recorded of any insult being offered her, which was by a prisoner of notoriously bad character.'

1. Ibid.

2. Quoted at end of Ibid., p. 89.

upon this she gave up her attendance upon the ward to which he belonged; after his discharge, the other prisoners came forward and entreated most earnestly that she would be pleased to resume her visits.'

The Rev. Walter Clay¹ considered that Sarah Martin should rank next to Howard in the list of pioneers of prison reform in England. With this opinion the writer in the Edinburgh Review would have agreed. 'Without² in any degree undervaluing, but on the contrary, highly applauding, the labours of Mrs. Fry,' he observed, 'we think there was something far more simple, and far more nearly heroical, in the conduct of her humbler sister.' Sarah Martin worked only in Great Yarmouth, and there is no evidence that she would have wished to extend her labours further afield. Within the limits of one prison, however, and with restricted resources of time and money, this remarkable woman was able to provide for many of the needs of women prisoners - for education, moral welfare, employment while serving their sentences, and aid on their eventual discharge from prison.

1. Clay, p. 86.

2. Edinburgh Review, 1847, p. 325.

Chapter 11

CONDITIONS IN WOMEN'S PRISONS: 1840 - 65

Millbank

The regime provided for women prisoners at Millbank during their 'first stage of penal discipline' was very much more rigorous than that which they were to experience later at Brixton. The women were placed in the Probation class on arrival at the prison, and had their hair cut off, an ordeal which - as has been mentioned¹ - was the equivalent in the 19th century to a woman having her head shaved today. According to a Prison Matron² 'women whose hearts have not quailed, perhaps, at the murder of their infants, or the poisoning of their husbands, clasp their hands in horror at this sacrifice of their natural adornment - weep, beg, pray, occasionally assume a defiant attitude and resist to the last, and are finally only overcome by force. It is one of the most painful tasks of the prison, this hair-cutting operation.'

In the Probation class, the prisoners lived and worked in their cells, in complete silence, for a minimum of four months.³ During the first two months they were employed in picking coir, and if their conduct remained good they might be given needlework during the remaining two months.⁴ Their cell doors were bolted-up, and no visits from friends were permitted.⁵ At the end of four months, a

1. See supra p. 129.

2. Female Life in Prison, by a Prison Matron; London; 1862, pp. 12, 13.

3. Mayhew, p. 270, note.

4. Ibid, p. 270.

5. Ibid, p. 270, note.

well-conducted prisoner was promoted to the Third Class; but for any breach of discipline could be sent back to begin her probationary period all over again.¹ The only women prisoners who might escape their full period of probation, were those who entered Millbank pregnant.² Originally there had been a number of cells allotted to mothers and their children - known as the 'Nursery Ward' - but it had become the practice to transfer all pregnant women to Brixton near the expected time of delivery.

Prisoners in the Third Class were not allowed visits until their conduct had proved satisfactory for two months. Then they were allowed a visit every three months.³ They continued to live in conditions of the strictest silence throughout their time in Millbank. When the weather was fine they might take exercise for one hour each day in the airing yard. The women were exercised one ward at a time,⁴ 'with a prison matron in attendance, and the prisoners walk in Indian file round and round the yard.' Any attempts at education were conducted in the separate cells, and as there was no associated work, the women were employed mainly in mending and needlework. In 1860, amongst other work, they mended 96,541 bags for one City firm, and made 50,822 shirts for another.⁵ For their first two months, however, the women picked coir,⁶ and for the following five months - or longer, if their conduct was bad - they were 'employed, as far as practicable, upon rough work.' In 1857 mat-making had been introduced,⁷ in the hope

1. Ibid.

2. Prison Matron, I, p. 200 and note.

3. Mayhew, p. 270, note; Prison Matron, I, p. 167.

4. Prison Matron, I, p. 23.

5. Ibid, I, p. 186, note.

6. Report of Directors of Convict Prisons, 1861 - Parl. Papers, 1862, XXV - p. 58.

7. Ibid, 1858, p. 63.

that it would prove suitable employment 'especially for those women who required more bodily exertion than that afforded by ordinary prison work.' The convicts, however, showed no interest in this activity, spoiling the materials provided, and eventually it was abandoned.

Mention must be made of the 'dark cells' provided at Millbank for intractable women prisoners. When Mayhew visited the prison he was told,¹ 'these are the best dark cells in all England.... They're clean, warm and well-ventilated.' The Prison Matron quoted earlier was not, however, so proud of these amenities. She described them as² 'firmly secured by formidable doors and iron gratings and... covered by a sliding pad, the size of the outer door, which tends in a great degree to stifle the uproarious sounds that generally proceed thence.... The furniture of a dark cell mainly consists of a slanting series of boards by way of bedstead, with an uncomfortable wooden block for a pillow - hard quarters for the worst of women, and which with a bread and water diet, tells rapidly upon a prisoner's health.'

Discipline among the women convicts at Millbank had always been difficult to maintain, and after the abolition of transportation for women the problem became more acute. Women who had been sentenced to be transported, and suddenly found themselves faced with years in prison, frequently became violent and hysterical. As the Report for 1854 observed,³ 'disappointment rendered them thoroughly reckless.'

1. Mayhew, p. 271.

2. Prison Matron, I, p. 147.

3. Report of Directors of Convict Prisons, 1854, p. 367.

In 1855 a 'penal class'¹ was established at Millbank for 'incorrigibles'. Women might be returned to this class from Brixton or Fulham. A year later the Directors reported that the conduct of these women was 'as bad as possible',² and in 1859³ the behaviour of the 37 women convicts in the penal class was rated as good in only four cases, indifferent in eight, and bad in thirty-three. Although two months good conduct in the penal class could mean their promotion to less severe discipline, in 1863⁴ three women had been in the class for more than two years.

Mary Carpenter admitted that women prisoners were difficult to manage, and that when one at Millbank followed⁵ 'her favourite amusement of lying on the floor and drumming with her feet against the door' this was exhausting and exasperating for all concerned with prison discipline. She pointed out, however, that it was often the management of the women convicts, rather than their characters, which was at fault. 'The restless excitable nature of these women,' she wrote,⁶ 'requires a vent in something; they should have full employment, of a kind which will exercise their muscles and fully occupy their minds, so as to calm their spirits and satisfy them with the feeling of having accomplished something.' Solitary confinement, for any length of time, could, in her opinion, never be successful with women. She observed that there appeared to be⁷ 'no complaint

1. Ibid, 1855 - Parl. Papers, 1856, XXXV - p. 78.

2. Ibid, 1856, p. 48.

3. Ibid, 1859, p. 38.

4. Ibid, 1863 - Parl. Papers, 1864, XXVI - pp. 51-2.

5. Carpenter, II, p. 218; see also Griffiths - Millbank, pp. 199-200.

6. Ibid, II, p. 220.

7. Ibid, II, p. 210.

in the Female Prisons of unwillingness to work, but rather of a want of occupation for them.... A large proportion of all the female prisoners in Millbank and Brixton have no active occupation, nothing whereby they may learn habits of diligence, and acquire the means of obtaining an honest livelihood when their term of imprisonment expires.' The work provided for the convicts was dull and uninteresting. 'Even¹ the very Matron felt it at times difficult to control the painful irritability which was engendered by the dreary sameness; what, then, must these women experience who have been accustomed to an exciting and unrestrained life.'

Brixton

In 1862 Mayhew described the cells in the old part of Brixton prison as² 'each provided with a gas-jet and chimney, and triangular shelves, as well as a small stool and table, and a little deal box for keeping cloths in, and which can also be used as a rest for the feet. Then there is a hammock, to be slung from wall to wall, as at Pentonville, and the rugs and blankets of which are usually folded up and stacked against the side.' The walls were 'white as Alpine snow, with their coat of lime, so that they try the sight sorely after a time; indeed, we were told that a gipsy woman (one of the Coopers) who was imprisoned here, suffered severely in her eyes from the dazzling whiteness of the walls that continually surrounded her.... The cells in the east and west wings, though smaller than those in the old part of the prison, have not nearly so jail-like a look

1. Ibid, II, p. 252.

2. Mayhew, pp. 179-180.

about them; for the sides of these are built of corrugated iron, and though fitted with precisely the same furniture as the cells before described, they greatly resemble...the cabin of a ship...whilst the arrangements made for the ventilation of each chamber are as perfect as they well can be under the circumstances.'

Women prisoners in Brixton were dressed¹ in a loose claret-brown robe, a small muslin cap, and a blue check neckerchief and apron. They wore brass figures on their arms showing their number in the prison register; first or second class prisoners also had badges on their sleeves indicating their class. Mayhew witnessed the serving of dinners in the prison. 'At² a few minutes before one o'clock the "breads" are counted out into large wicker baskets in the shape of those used for dinner-plates, while the tin cans...being filled with soup and meat on one side, and potatoes on the other, are ranged in large potboy-like trays, which are inscribed with the letters of the several wards to which they appertain. Precisely at one o'clock a bell is heard to ring, and then the matrons of the old prison enter in rotation, each accompanied with four prisoners, one of whom seizes one tray, while two more of the gang go off with another that is heavier laden, and the last hurries off with the basket of bread, with an officer at her heels. After this, large trucks are brought in, and when stowed with the trays and bread-baskets for the "wings", they are wheeled off by the attendant prisoners, one woman dragging in front, and the others pushing behind. We followed the two trucks that went to the east wing of the prison, and here we found a small

1. Ibid, p. 183.

2. Ibid, p. 184.

crowd of women waiting, with the matrons at the door, ready to receive the trays, as the vehicles were unladen.... Then a large bell clattered through the building, and one of the warders screamed at the top of her voice, "O Lord bless this food to our use, and us to thy service, through Jesus Christ our Lord, Amen."

Mayhew described the convict nursery at Brixton as¹ 'the most touching portion of the female convict prison.' One of the mothers to whom he spoke was serving a sentence of four years penal servitude and another a sentence of six years. The Secretary of State had shortly before ordered that no children were to accompany mothers who were transferred to Brixton from other prisons. If, however, a child was actually born in Brixton, it appears to have remained with its mother until the end of her sentence. After such an existence it was not surprising that one child, on emerging into the outside world, 'called a horse a cat.'²

The behaviour of women prisoners in 1862 was much the same as that of prisoners in the 20th century. They treasured any letters they received;³ and used considerable imagination to satisfy their vanity⁴ - as by scraping the whitewash off their cell walls to use as face-powder and putting the ropes of their hammocks round the bottom of their dresses to make the skirts fuller. The rigid rule of silence during exercise - which was enforced in most men's prisons, and also in Millbank - was not imposed in Brixton. Mayhew found it⁵ 'a somewhat curious and interesting sight to see near upon two

1. Ibid, p. 189.

2. Ibid, p. 191.

3. Onod, p. 192.

4. Ibid, p. 185.

5. Ibid.

hundred female convicts pacing in couples round and round the Brixton exercising yards, and chattering as they go like a large school, so that the yard positively rings as if it were a market-place, with the gabbling of the many tongues.' According to Clay,¹ discipline in Brixton was - as far as possible - an imitation of that in the men's prisons of the time. He considered lack of outdoor employment to be the chief difficulty facing the prison administration,² since the health of women undergoing long terms of penal servitude suffered through lack of fresh air. When Mayhew questioned the Matron at Brixton about the work done by prisoners, she replied,³ 'We make all the shirts for Portland, Pentonville and Millbank...but those blue-checked shirts are for Moses and Son; we have had many scores of pounds from them.' Mayhew's reaction to this statement was typical of many observers of prison labour at this time. 'No wonder, thought we, that honest women cannot live by the labour of shirt-making, when such as these, who have neither rent, nor food, nor clothing to find, are their competitors.'

As has been mentioned, the authorities attempted to introduce a progressive stage system into women's prisons similar to that provided for men. In theory⁴ women were placed in a probationary class on arrival in prison, and spent about four months in solitary confinement, without visits from friends or relatives. After this probationary period, a woman prisoner was promoted to the Third Class. If her conduct was good, she might receive a visit after two months;

1. Clay, p. 403.

2. Ibid.

3. Mayhew, p. 195.

4. Ibid, p. 177.

and after a further four months good conduct might be promoted to the Second Class. In the Second Class, she was entitled to a badge marked 2, and a gratuity which varied from 6d. to 8d. a week, according to the amount of work she performed. This gratuity was put aside for her until after her release. After another six months good conduct, she could become a First Class prisoner, wear a badge marked 1, and earn from 8d. to 1/- a week.

In practice, however, many difficulties prevented this system from being carried out. Although it had been planned that all Second Class prisoners should be transferred automatically from Millbank to Brixton, Brixton was so over-crowded that they were only transferred when there were vacancies available for them. In 1859,¹ 645 women convicts were confined in Brixton, but 400 remained in Millbank. Mary Carpenter expressed dismay at the haphazard nature of the 'progressive' stages from Millbank to Brixton, and from Brixton to Fulham. She maintained that there was² 'no system on which female convicts can absolutely rely, and which will afford a steady stimulus to them in their prison progress.'

Fulham Refuge

Not all women prisoners were eligible for Fulham. They must have reached the First Class at Brixton, and be under forty years of age.³ If they had become First Class prisoners, but were then demoted several times for misconduct, or if the prison staff felt

1. Report of Directors of Convict Prisons, 1859, p. 3.

2. Carpenter, II, p. 212; see also Report of the Penal Servitude Acts Commissioners, Parl. Papers, 1863, XXI, Vol. II, para. 662, p. 58.

3. Prison Matron, I, pp. 227-8.

that they did not show sufficient signs of stability, or a sincere desire for reform, they remained at Brixton until the end of their sentence. Mary Carpenter considered that the women convicts could not rely on transfer from Brixton to Fulham, any more than they could on transfer from Millbank to Brixton. It depended¹ 'rather on convenience and circumstances, called the "exigencies of the service" than on a settled principle and on their conduct and diligence.' The Refuge had accommodation for under 200 prisoners.² They were employed mainly in laundry-work, although apparently, 'the making of under-clothing, window curtains, etc.' was 'not discouraged.'³

On leaving Fulham, prisoners might apply for a place in the Prisoners' Aid Society - known as 'The Home' - where they could stay until they found employment. The 'Prison Matron' observed⁴ that 'during the year 1860, no less than forty-one women went of their own free will and accord to this "Home", the majority of whom procured situations thence, and are believed to be doing well.' Lack of funds seem, however, to have hampered the work of the Discharged Prisoners' Aid Society which assisted women convicts.⁵ Mary Carpenter was particularly concerned with the difficulties facing such women on their discharge. She quoted the Directors of the Irish Convict Prisons, who wrote in their Second Report,⁶ 'A man can obtain employment in various ways in out-door service, not requiring, in all cases, special reference to character, and at work which is

1. Carpenter, II, p. 212.

2. Prison Matron, II, p. 210.

3. Ibid, II, p. 211.

4. Ibid, II, p. 214.

5. Carpenter, II, pp. 225-6.

6. Second Report of Directors of Convict Prisons for Ireland, 1856, p. 8.

not open to females in this country. A woman, immediately on discharge from prison, is totally deprived of any honest means of obtaining a livelihood. Persons of her own class will object to associated in labour with her, even if employers were willing to give her work; and the well-conducted portion of the community object to receive with their families, or domestic servants, persons so circumstanced, without a stronger guarantee and proof of their real and permanent reformation than would be afforded by a prison character.'

Mary Carpenter disapproved of the 'prison regime' which operated at Fulham, in spite of it being called a 'Refuge'. 'The¹ principle of it is a slight improvement in the condition of the convicts, and a variety of employments, with a nearer prospect of release. They receive also rather larger gratuities, and somewhat better diet. It is, however, strictly under prison management, and the prisoners there are not under license, but absolutely under sentence.' The Rev. Walter Clay shared her doubts concerning conditions in Fulham. The intentions behind the opening of the Refuge had been good, but the method by which the plans were carried out left much to be desired. In his view,² the women at Fulham were 'grossly overfed', and the expenses of the establishment far too high. At the same time there was³ 'too much routine and restraint, and no efficient means to foster and test self-control. It would have been far better to have intrusted the Refuge to the care of ladies, armed them with sufficient legal authority, and then left them to redeem their fallen sisters by their sympathy and devotion.'

1. Carpenter, II, p. 212.

2. Clay, p. 403.

3. Ibid.

Tothill Fields

During this period women serving short sentences in the London area might find themselves either in the Westminster House of Correction at Tothill Fields, or in the Surrey House of Correction at Wandsworth. The administration of these institutions was typical of city 'houses of correction' throughout the country at this time. Mayhew described the main characteristics of Tothill Fields as a deplorable state of over-crowding; 611 women were housed in cells which had been originally intended to provide separate sleeping accommodation for 351.¹ Mayhew found the cells² 'disgracefully defective, both as regards capacity and ventilation...whilst they are also as utterly deficient of all means of heating and lighting during the longer winter evenings, the women being then locked up in the dark and cold for more than 12 hours out of the 24.' It was not surprising that the sickness rate at Tothill was unusually high.

The punishment rate at Tothill Fields was also unusually high,³ in fact almost double the average for penal institutions in the rest of the country. Stern discipline and lack of imagination seem to have ruled throughout the prison. The women picked oakum, plaited straw, and did laundry-work and knitting, all in silence. The knitting-room, however, had a⁴ 'slanting, pew-like arrangement' designed specially to prevent conversation, but 'owing to the high wooden partition at the back of each row of prisoners acting as a sounding board,' it 'served as the best possible contrivance for

1. Mayhew, p. 268.

2. Ibid, p. 269.

3. Ibid.

4. Ibid, p. 481.

allowing them to communicate in secret.'

Prisoners wore blue and white spotted dresses, with white caps.¹ Numbers stitched on their arms showed the length of their sentences, those wearing a 1 having sentences of more than 3 months, those with a 2 of less than 3 months and more than 21 days, and those with no numbers serving less than 21 days. Nearly half the women prisoners in Tothill Fields had sentences of less than 14 days. It seems that they were usually imprisoned because they had failed to pay small fines - which had probably been imposed mainly for drunkenness or prostitution.

Wandsworth

In the Surrey House of Correction, living conditions for the prisoners were considerably better than those at Tothill Fields. Here, however, the influence of the strict separate system could be seen. The women were confined ~~separately~~ in their cells, and no classes or work were conducted in association.² According to the teacher, she visited the prisoners,³ 'separately in their cells. I call on each prisoner on her entrance into the prison, although she be only confined for a few days. When I enter the cell, I ascertain if the prisoner is a Catholic or a Protestant. If a Catholic, I say no more. But if a Protestant, I learn if she can read or write.' To ensure concealment of identity on occasions when the women prisoners might meet, the clothing list at Wandsworth

1. Ibid, pp. 477-8.

2. Ibid, p. 527.

3. Ibid.

included,¹ besides such items as 'blue woollen and brown serge petticoats' and 'gray jean stays', an issue of 'small black alpaca veils, used as masks.'

1. Ibid, p. 524. Mayhew includes in his book, at p. 382, an engraving, taken from a photograph of a veiled woman prisoner.

Chapter 12

PRISON REFORM, 1865 - 1898: THE REGIME OF SIR EDWARD DU CANE

The history of women's prisons in England and Wales between 1865 and 1898 is concerned less with alterations in prison discipline than with the continual shifting round of the convict population from prison to prison. In the spring of 1864, 400^{Roman Catholic} women convicts had been transferred to Pankhurst Prison,¹ which - somewhat surprisingly - was regarded by the Superintendent of Brixton as a 'good test' of 'the sincerity of their religious profession.' At the beginning of 1866,² therefore, there were four convict institutions for women - Millbank, containing 156 women, Brixton with 523, Parkhurst with 391, and Fulham Refuge with 112.

In this year a new mark system was introduced for convicts - in Fulham, as well as in the other prisons. This had the effect of abolishing the 'greater privileges'³ formerly enjoyed by those confined in the Refuge, and transformed it in practice into a prison. The Superintendent observed that the women bore the change of regime in 'a quiet and submissive manner.' Owing to decreasing numbers, the convicts in the Refuge were employed mainly in sewing and domestic work at this time, rather than, as formerly, in the laundry.⁴

The majority of women convicts were moved, in 1869, into a new prison at Woking. The Directors had closed the women's prisons at Brixton and Parkhurst, transferring the convicts from Brixton to

1. Report of Directors of Convict Prisons, 1863, p. 219.

2. Ibid, 1866 - Parl. Papers, 1867, XXXVI - pp. 49, 255, 240, 265.

3. Ibid, 1866, p. 266.

4. Ibid, 1865 - Parl. Papers, 1866, XXXVIII - p. 273.

Millbank,¹ and from Parkhurst to Woking.² By the end of the year all the buildings in Woking intended for use by the convicts were completed;³ two chapels were being built; and a bath-house had been installed in which the women might take 'weekly baths.' At first the convict women from Parkhurst proved troublesome and undisciplined. The Superintendent considered that this was because they had not⁴ 'previously passed through any complete system of separation in a close prison.' By 1873, however, when nearly 700 women were confined in the prison, these difficulties regarding discipline appeared to have been solved.⁵ At Woking more imagination was shown by those concerned with prisoners' work than in the other women's prisons. The majority of the women were employed on domestic tasks and rough needlework, but in 1870 some prisoners were trained in stained-glass work,⁶ and in 1872 a mosaic-tile industry⁷ was started in the prison. This provided 'very useful and healthful occupation to prisoners of the advanced classes,' and flourished for over ten years. Of the sixty convict women discharged from Woking in 1877,⁸ twenty-two had been trained as mosaic workers and twenty-four as 'tailoresses'.

Whereas the Directors of Convict Prisons brought uniformity into the regime for convicts throughout England and Wales, the variations of regime in local prisons continued to give rise to criticism. Increased opportunity for travel, and improved means of

1. Ibid, 1869 - Parl. Papers, 1870, XXXVIII - p. 28.

2. Ibid, 1869, p. 367.

3. Ibid, 1869, p. 369.

4. Ibid, 1871 - Parl. Papers, 1872, XXXI - p. 444.

5. Ibid, 1873 - Parl. Papers, 1874, XXX - p. 456.

6. Ibid, 1870 - Parl. Papers, 1871, XXXI - p. 475.

7. Ibid, 1872 - Parl. Papers, 1873, XXXIV - p. 466.

8. Ibid, 1877 - Parl. Papers, 1878, XLIII - p. 547.

publicity for spreading the views of reformers, such as the Clays, Matthew Davenport Hill and Mary Carpenter, brought these variations more and more to the public notice. Although the 1865 Act¹ had clearly failed to bring sufficient uniformity into the prison system, definite steps to establish central control would probably not have been taken, had it not been for the immediate need for the Government to give some form of financial aid to local authorities, which were in difficulties. One solution was to shift the financial burden of prison administration from the local authorities to the central government.

As a result, in 1877² all prisons and their 'furniture and effects' were transferred to the Government. Only the Secretary of State was empowered to make Rules for prisons, and a new Board of Prison Commissioners was created, with inspectors and officials to work under them, to carry out these Rules and administer the prisons. 'Visiting Justices' were abolished. In their place, Visiting Committees of magistrates were established, to whom governors of prisons, or the prisoners in their charge, might appeal. Prisons and prisoners were to be classified - the administration of unconvicted prisoners being considered separately. The first Chairman of the Prison Commissioners, Sir Edward Du Cane, described the intentions of the 1877 Act as the³ 'application to all prisoners, wherever confined, of a uniform system of punishment, devised to effect in the best method that which is the great object of punishment, viz. the repression of crime; and economy in the

1. 28 and 29 Vict. c. 126.

2. 40 and 41 Vict. c. 21.

3. Du Cane, p. 99.

expenses of prisons.'

In 1878 there had been 113 local prisons throughout England and Wales; by 1885 this number was reduced to 59.¹ A new attempt was made to return to the principles of 'classification' rather than 'separation'. All prisoners were divided into two Divisions - the First Division² to comprise those convicted of misdemeanours, or of such offences as contempt of court and sedition. These were to serve their sentences without hard labour. In 1879³ a Star Class was created for first offenders.

To the task of bringing uniformity into the prison system of the country, Du Cane brought the talents of a most efficient administrator. His experience had, however, to a large extent been confined to military regimes and army discipline. He believed strongly in deterrence, by meagre diet, and⁴ 'hard, dull, useless, uninteresting, monotonous labour.' He maintained that the prison administration should strive⁵ 'to meet the just requirements of the prisoners without setting up attractions which would be likely to increase the number of committals.' The prison regime he administered was certainly unlikely to afford many such 'attractions'. Desire for economy reduced the diet of prisoners, and made sure that the conditions under which they were housed and worked were as comfortless as possible.

The regime of the short sentence prisoners was based on hard

1. Ibid, pp. 65-6, 100.

2. Ibid, pp. 74-6.

3. Report of Directors of Convict Prisons, 1880 - 1 - Parl. Papers, 1881, LII - pp. viii-ix.

4. Du Cane, p. 175.

5. Ibid, p. 90.

labour and a meagre diet. For prisoners serving longer sentences, the progressive stage system continued. This system now stressed, even more than before, the hardships to be endured during the early stages of a sentence, rather than the privileges to be attained through good conduct in the later stages. In 1885 Du Cane, it is true, observed that¹ 'the principle on which this system is founded is that of setting before prisoners the advantages of good conduct and industry by enabling them to gain certain privileges or modifications of the penal character of the sentence by the exertion of these qualities. Commencing with severe penal labour - hard fare and a hard bed - he can gradually advance to more interesting employment, somewhat more material comfort, full use of library books, privilege of communication by letter and word with his friends, finally the advantage of a moderate sum of money to start again on his discharge.' Sir Lionel Fox,² however, described in different terms the austerity of the 'progressive' stages under Du Cane's administration. 'In the first stage no mattress was allowed, and no books of any sort; in the second and third stages school books were allowed and a mattress on certain nights; it was not until the fourth and last stage that the full "material comfort" of a mattress every night was achieved, with the "full use of library books and privilege of communication with friends". In retrospect, the value of this system as a "reformatory influence", replacing the "mere fear of punishment", seems open to question.'

At this time the position of women prisoners differed little

1. Ibid, p. 77.

2. L.W. Fox - The English Prison and Borstal Systems; London; 1952, p. 50.

from that of men. They received certain small advantages, in that their work and their beds were somewhat less hard than those provided for men prisoners. Setting out the progressive stages¹ in their Report for 1878, the Commissioners intimated that in the case of women convicts plank beds would be provided with small mattresses,² and that pillows would replace the wooden blocks used by men. Women might also earn remission of one-third of their sentences - a larger proportion than was permitted to men. Du Cane considered³ that convict women should 'pass the nine months immediately preceding the term of their release in "refuges" established and managed by private effort, assisted by contributions from the government.' Such 'refuges' were the Carlisle Memorial Refuge, at Bloomsbury, and the Eagle House Refuge (for Roman Catholics), at Hammersmith, founded in 1865.⁴

The Government, however, paid no particular attention to the problems of female prisoners, although every week nearly 1000 women were committed to prison.⁵ Of this number, two-thirds were serving sentences for drunkenness or prostitution; the majority having been previously convicted many times. As the Webbs observed,⁶ 'this mournful procession of unfortunate victims' passed in and out of prison, 'most of them committed for short sentences, which left no room for the beneficial influences of the much vaunted "System of Progressive Stages."'

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1. First Report of Commissioners of Prisons - 1878, XLII - Appendix 12, pp. 39-40.
 2. Ibid, 1878, p. 9.
 3. Du Cane, pp. 169-70.
 4. Report of Directors of Convict Prisons, 1865, pp. 9-10.
 5. Webbs, p. 204.
 6. Ibid.

In 1887 the Directors of Convict Prisons announced that the number of convict women in custody had fallen from 1477 to 706 in the preceding ten years.¹ As a result women prisoners were removed at last from Millbank in 1886.² The prison had never provided satisfactory conditions for their confinement. Five years earlier, the Superintendent had been instructed to form a Star Class for women prisoners,³ as had been introduced for male convicts. After six months' detailed enquiries as to the suitability of the convicts for this class, he was, however, only able to find six women whom he considered eligible to become 'Stars'. There can have been few regrets among the prison staff or the prisoners when Millbank Female Prison finally closed.

At Fulham the fall in the number of convicts also affected the monotony of the regime. The prisoners were employed in cooking, baking, knitting and needlework, but seemed to have little interest in 'industrial occupations';⁴ a large proportion of the women were described as 'indolent'. For some years there had been a temporary increase in laundry-work. By 1887, however, the Superintendent reported that the reduction in numbers had restricted the amount of work that could be undertaken, and⁵ 'nearly the whole of the washing for private families has been given up.' Gas had been introduced into the prison, in place of candles, in 1880,⁶ and the buildings, which had only been in a 'fairly good condition' in 1877,⁷ had been

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1. Report of Directors of Convict Prisons, 1886-7 - Parl. Papers, 1887, XLI - p. viii.
 2. Ibid, 1885-6 - Parl. Papers, 1886, XXXV - p. xxv.
 3. Ibid, 1881-2 - Parl. Papers, 1882, XXXIV - p. 203.
 4. Ibid, 1874 - Parl. Papers, 1875, XXXIX - p. 158.
 5. Ibid, 1886-7, p. 32.
 6. Ibid, 1879-80 - Parl. Papers, 1880, XXXVI - p. 284.
 7. Ibid, 1877, p. 190.

improved over the years. In 1887, however, the Directors¹ announced their intention to close Fulham 'Prison', as it was now called. All² the women convicts were, therefore, moved from Fulham in February, 1888, and concentrated in the prison at Woking.

In 1880 new restrictions on Dietary Punishments,³ laid down by the Commissioners, were introduced in Woking Prison. The Superintendent reported in that year that so many orders had been received for marble mosaic work, that some had had to be declined.⁴ By 1887, however, the mosaic industry had ceased to operate, and twine-spinning was introduced in its place.⁵ This work was considered a more suitable occupation for the prisoners, since skill was quickly acquired, and the loss of a 'clever workwoman' did not disturb the industry, as it had done in the case of mosaic work. Twine-spinning proved profitable, although far more monotonous than the creation of mosaics. In 1890 women at Woking made 30,864 lbs. of twine for the General Post Office.⁶ A certain amount of outdoor work could also be provided for the convicts in Woking. Well-behaved prisoners enjoyed⁷ 'healthful, though laborious, exercise', by pumping water to the prison and to the officers' quarters; and the women cultivated two acres of ground, which had been enclosed in 1880.

By 1892, however, the Directors had decided to move the women convicts again, and to hand over Woking Prison to the War Office.⁸

1. Ibid, 1886-7, p. viii.

2. Ibid, 1888-9 - Parl. Papers, 1889, XLI - p. xxi.

3. Ibid, 1879-80, pp. xxi-xxii, 856.

4. Ibid, 1879-80, p. 856.

5. Ibid, 1886-6, p. 77.

6. Ibid, 1889-90 - Parl. Papers, 1890, XXXVII - p. 53.

7. Ibid, 1879-80, p. 856.

8. Ibid, 1892-3 - Parl. Papers, 1893-4, XLVII - p. viii.

Alterations were made in the County Gaol of Buckinghamshire, at Aylesbury, and eventually, in 1896,¹ Aylesbury was ready to receive women prisoners, and became the main convict prison for women in England and Wales. The number of women sentenced to penal servitude by the courts, however, continued to decrease. In the year ending 31st March, 1898, only thirty convict women were sent to Aylesbury.² There the women were employed mainly in domestic work and in 'tailoring',³ as they had been at Woking. In 1896 Lady Visitors⁴ were appointed to the prison. Under the leadership of the Duchess of Bedford, these Visitors showed a particular interest in the women convicts, both in Aylesbury and after their discharge.

Although conditions were repressive and unimaginative in convict and in local prisons throughout the country, for many years after 1877 public opinion would not have tolerated a progressive prison policy. The views of the nation, as a whole, were still those reflected in the words 'hard labour, hard fare and a hard bed.' At first Du Cane's severity and economy was supported and acclaimed; but by 1890 the informed public had become uneasy. They suspected that the prison system was too uniform and rigorous, and that the man in charge, the Chairman of the Prison Commission, held altogether too much power in his hands. In 1894 the Government appointed a Committee under Mr. Gladstone, to investigate the administration of the prisons, and a year later this Committee published its Report.

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1. For first Report on Aylesbury see the first joint Report of the Prison Commissioners and the Directors of Convict Prisons, 1895-6 - Parl. Papers, 1896, XLIV - pp. 250-6.
 2. Ibid, 1897-8 - Parl. Papers, 1898, XLVII - p. 20.
 3. Ibid, 1896-7, p. 392.
 4. Ibid, 1896-7, p. 29.

The Report of the Gladstone Committee praised Du Cane's achievements of centralisation and uniformity; and paid tribute to his efforts to secure discipline and economy.¹ The Committee felt, however, that local interest in prisons had been suppressed and discouraged.² 'Prisoners³ have been treated too much as a hopeless or worthless element of the community, and the moral as well as the legal responsibility of the prison authorities has been held to cease when they pass outside the prison gates.' Sir Evelyn Ruggles-Brise, who followed Du Cane as Chairman of the Prison Commission, considered this statement as marking⁴ 'the passage from the old to the new methods of punishment, and from those which rested upon severity and repression to those which looked more hopefully towards the possible reformation of persons committed to prison.'

The Report concluded that the object of prison discipline was to turn out better men and women. There should be careful classification of prisoners, but in the Committee's view, 'separate' confinement led too often to morbid and unprofitable meditation on misdeeds.⁵ They recommended that, provided supervision was adequate, prisoners - particularly women - should work in association. The work provided for women prisoners should be of a high class.⁶ Unskilled laundry, cooking or needle-work could provide no qualification for women after their discharge; and the Committee suggested that knitting machines might be installed in the women's prisons. Neither cooking food for

1. Parl. Papers, 1895, LVI, pp. 3-5.

2. Ibid, p. 7.

3. Ibid.

4. Ruggles-Brise, p. 76.

5. Parl. Papers, 1895, LVI, p. 9.

6. Ibid, p. 37.

the prison staff, nor domestic work in staff quarters provided ideal occupations for women prisoners, since these forms of work exposed them to too much temptation. The Committee considered that there should be more women officers in the prison service, and recommended that Matrons should not have to wear uniform.¹

The Gladstone Committee also considered the scope of after-care, or 'aid-on-discharge'. They recommended that such aid should be extended, and that preparation for after-care should begin well before the date of the prisoner's release from prison.² In their view, however, the key to the prevention of crime lay in the treatment of the young offender.³ The Prison Act, 1898,⁴ paid particular attention to the problems of young prisoners, aged from 16 to 21. This Act gave effect to the recommendations of the Gladstone Committee. It unaugurated a new Prison Code, which still remains today the foundation of the English prison system.

1. Ibid, p. 38.

2. Ibid, pp. 14-15.

3. Ibid, pp. 29-31.

4. 61 and 62 Vict. c. 41.

Chapter 13

PRISON ADMINISTRATION UNDER SIR EVELYN RUGGLES-BRISE + 1898 - 1921

PART I - THE PRISON POPULATION

Classification of Prisoners

In 1898 Sir Evelyn Ruggles-Brise became Chairman of the Prison Commission and, until his retirement in 1921, endeavoured to put into effect the recommendations of the Gladstone Committee. The Prison Act¹ had laid down that for prisoners serving sentences of imprisonment there should be three Divisions, and had given to courts a wide discretion to select the Division in which an offender should be placed. The principle expressed by the act was that courts should take into account² 'the nature of the offence and the antecedents of the offender' when passing sentence of imprisonment. In general, prisoners whose offences had been dictated by conscience were to be placed in the First Division; and those who were not habitual criminals and had not committed crimes of depravity in the Second Division. First Division prisoners received considerable small privileges in the way of comforts, work, clothes and food. Prisoners for whom no specific direction had been given by the courts were put automatically into the Third Division, where they might serve their sentences with or without 'hard labour'. A separate Division was set aside for debtors; and a person committed to prison in default of finding sureties for keeping the peace, was to be placed in the Second Division, unless the court ruled otherwise.

1. 61 and 62 Vict. c. 41.

2. S. 6(2).

The failure of the courts to exercise their discretion was a continual disappointment to Ruggles-Brise. Over and over again the yearly Reports of the Prison Commissioners stressed the importance of judges and magistrates making use of their statutory powers, and complained that the few prisoners who were allotted to the First and Second Divisions seemed to have been chosen at random. By 1910 the exercise of the power of discretion over the Divisions, far from increasing, was becoming more rare, and the Commissioners were¹ 'almost forced to recognise that the classification aimed at by the prison reformer will not be attained by relying on the discretionary power of the courts of law.' In 1911-12,² out of 51,083 prisoners eligible for the Second Division, only 3.22% were so classed by the courts - less than the number allotted to that Division in the year after the passing of the 1898 Act. A year later the Chaplain of Holloway complained³ that the Second Division was being 'abused'. 'The placing of recidivists in this division,' he noted, 'naturally brings it into disrepute, and destroys its usefulness.'

In the years before the first World War there had been a certain increase in First and Second Division sentences for women, when suffragettes were sentenced to short terms of imprisonment for disturbing the peace. The practice of the courts, however, varied so much in dealing with these cases that, in 1910, power was given to the Prison Commissioners to order⁴ 'ameliorations of the conditions... in respect of the wearing of prison clothing, bathing, hair-cutting,

1. Report of Prison Commissioners, 1909-10 - Parl. Papers, 1910, XLV - p. 18.

2. 1911-12 - Parl. Papers, 1912-13, XLIII - p. 9.

3. 1912-13 - Parl. Papers, 1914, XLV - p. 38.

4. 1909-10, p. 19; also 1911-12, pp. 10, 11.

cleaning of cells, employment, exercise, books and otherwise. Provided that no such amelioration shall be greater than that granted under the Rules for offenders of the First Division.' 'Ameliorations' could be granted in cases where prisoners had not been sentenced for offences 'involving dishonesty, cruelty, indecency or serious violence.' Not surprisingly these concessions proved unpopular with prisoners who did not receive preferential treatment. They found it difficult to appreciate what even the Commissioners realised¹ 'must often be a nice distinction.' The behaviour of the suffragettes - who were determined to be uncooperative - did not make the task of the authorities any easier. The Commissioners reported, in 1912, that they had hoped² 'that prisoners profiting by the rule would show their appreciation of the purpose for which the rule was designed by conformity with the rules which have been to so great an extent relaxed in their favour. Unfortunately, for reasons upon which we do not enter, a large majority of the prisoners benefiting by the new rule have not shown any desire to accept the concessions which it affords in a reasonable spirit.'

Certainly Lady Constance Lytton noticed a considerable change in the treatment she received in Holloway when serving her sentence as a suffragette in 1911, from that which she had experienced in 1908. When taking exercise during the first sentence - which she served in the Second Division, wearing prison clothes³ - 'wardresses stood at different points of the yard. Whenever in our march round there was

1. 1911-12, p. 11.

2. Ibid.

3. Lady Constance Lytton - Prisons and Prisoners; London; 1914, p. 189.

a tendency for the single file to draw closer together, the wardresses would say nothing, but catch hold of one of us by the arm until the spacing was again correct.' In 1911¹ she found Holloway 'a changed world.' 'All of us assembled were walking about arm in arm, as we liked, in rows facing each other or round the ground; some of us went apart in a little side-walk, all talking to one another, and all, of course, wearing our own clothes.' The suffragettes had attempted to ensure that they should always be treated as political prisoners, and serve their sentences in the First Division, but without success. It was perhaps significant of 'the antecedents of the offender' being 'taken into account' that, when Lady Constance Lytton in 1910² disguised herself as 'Miss Jane Warton,' and successfully concealed her true identity, she was sentenced to a fortnight's imprisonment in Walton Jail, Liverpool, in the Third Division, with hard labour.

Eventually, in 1948,³ the Divisions were abolished by law, but long before that time they had ceased to be of significance as a method of classifying prisoners. Ruggles-Brise⁴ wrote in 1924, after his retirement, that, in spite of the great power of discrimination which was conferred by the 1898 Act, the Courts had never 'shown a keen desire to exercise this fresh power to the extent contemplated by the Act.... The traditional methods of commitment to ordinary imprisonment, with, or without Hard Labour, have so deeply affected the criminal administration of Summary Courts that it has proved difficult to escape from their influence.'

1. Ibid, p. 332.

2. Ibid, pp. 257-8.

3. 11 and 12 Geo. 6 c. 58.

4. Ruggles-Brise, p. 79.

Preventive Detention

In 1908 an attempt was made to deal with offenders who through 'leading persistently a dishonest or criminal life,' and having been convicted of crime at least three times since the age of 16, had earned the title of 'habitual criminals.'¹ A woman convicted of crime and found by the jury to be a 'habitual criminal' within the meaning of the Prevention of Crime Act, could now be sentenced to a period of 'preventive detention' - to begin after her sentence of penal servitude had been completed. Mr. Gladstone, who was Home Secretary at the time, emphasised to Parliament that the object of the Act was² to give the State effective control over dangerous offenders. It was not to be applied to persons who were 'a nuisance rather than a danger to the state.'

A sentence of preventive detention was limited to not less than five and not more than ten years. This period of ten years was apparently arrived at³ 'after much discussion in Parliament, but the desire of some, which appeared to be that an enemy of society should be detained for an indeterminate period, subject only to conditional release on satisfactory evidence of a reformed character, yielded to a strong opinion held by others that an unlimited period of detention was objectionable both in principle and in fact; that it invested the official authority with too arbitrary a power, as in practice it would depend upon the dictum of the official authority whether a man could, with safety, be released or not. The Commissioners appointed an Advisory Committee to report on each prisoner under preventive

1. 8 Edw. 7 c. 59.

2. Parl. Debates, May 27th, 1908, 1122.

3. 1908-9 - Parl. Papers, 1909, XLV - p. 23.

detention. This Committee had powers to recommend the release of women prisoners on license, when ^{it} ~~they~~ considered there was a reasonable probability that they would abstain from crime.

For male 'preventive detainees' a prison was established at Camp Hill, in the Isle of Wight, and, in 1912, the Commissioners set aside a wing of Aylesbury convict prison for women sentenced to such detention.¹ The courts and juries, however, showed little enthusiasm for exercising the powers given them under the 1908 Act, especially where women were concerned. In sixteen years from the passing of the Act, only eleven women were sentenced to preventive detention.² The greatest number detained in Aylesbury at one time was five. In 1921 there was only one, and by 1924 none were in custody.

In 1915 Dr. Mary Gordon - who had been appointed the first Lady Inspector of Prisons in 1907 - reported on preventive detention.³ In her opinion, the few prisoners had 'improved in every way, especially in intelligence, docility, good manners, capacity for work, and perseverance.... This form of imprisonment is so much dreaded by prisoners that it must be in some measure preventive, but its chief value lies in the good results to the individual of the efforts which the system obliges her to make when under it.' Mr. Gladstone's words to Parliament go far to explain, however, the failure of this early experiment. He had stressed that the Act was not to be applied to persons who were 'a nuisance rather than a danger to the state.' Few women habitual criminals could be considered a 'danger' to society. Those who were dangerous were almost invariably

1. 1912-13, p. 27.

2. Ruggles-Brise, p. 58.

3. 1914-15 - Parl. Papers, 1914-16, XXXIII - p. 27.

mentally unbalanced, and needed medical treatment, not detention in prison. The vast majority of women habitual criminals, however, came under the category of a 'nuisance' to society. For them a sentence of from five to ten years preventive detention, in addition to their original sentence of imprisonment, was obviously excessive and unjust.

The Long Service Division

A more successful experiment in the treatment of convict prisoners was the establishment, in 1905,¹ of a Long Service Division for selected convicts, after they had served seven and a half years of their sentence. Seven women prisoners were placed in this new Division during the first year,² and this number was added to gradually. After nine years the Commissioners suggested that the qualifying period might be reduced. They reported that fifteen women had been granted Long Service privileges since the Division was inaugurated³ - about eighty per cent of those who might have qualified.

Entrance to the Division was achieved by special industry and good conduct, and by earning a certain number of marks. A Long Service prisoner⁴ was able to earn larger sums than ordinary convicts, so that she might purchase articles of food and comfort for use in prison, or save for her release, if she preferred to do so. Meals could be taken in association, and at these conversation was allowed;

1. 1905-6 - Parl. Papers, 1906, L - p. 24.

2. Ibid, p. 533.

3. 1913-14 - Parl. Papers, 1914, XLV - p. 13.

4. 1905-6, p. 24.

Long Service prisoners might also talk when taking exercise. On the whole, prisoners promoted to this Division seem to have been industrious and cooperative, and the small privileges allowed were much appreciated. After the first year, the Governor of Aylesbury wrote in his Report¹, 'the fact that not one of these women has incurred a report goes to prove that this amenity is a great incentive to good behaviour.'

Part-payment of Fines, and 'Time to Pay'

The 1898 Act permitted the release of prisoners sentenced to imprisonment for non-payment of a fine,² after they had made part-payment of the said fine. According to Ruggles-Brise,³ 'the object of this provision was...to modify, though it could not abolish, the admitted evil of the system under which about half the population of Local Prisons is composed of persons not directly committed without the option of a fine for the graver offences, but sentenced to pay perhaps small fines for trivial offences.' This trend, to remove from the prison population as many as possible of those owing small sums, was continued by the Criminal Justice Administration Act in 1914, which laid down that,⁴ unless there was good cause why time should not be allowed, all prisoners should be allowed not less than seven clear days in which to pay their fines. Imprisonment for non-payment was also, in future, to be without hard labour.

Women prisoners are mentioned⁵ as availing themselves 'very

1. Ibid, p. 533.

2. By s. 9.

3. Ruggles-Brise, p. 79.

4. 4 and 5 Geo. 5 c. 58.

5. 1905-6, p. 310.

freely' of the privilege of part-payment of fines. They also found great advantage, after 1914, in being permitted 'time to pay.' In 1913-14,¹ 23,069 women had been imprisoned in default of payment of fines. By 1916-17 the figure had sunk to 7,127. The privilege of 'time to pay' was, however, always given less to women than to men, because of the nature of their offences, which were mainly those of indecency, larceny and false pretences. In 1916-17,² eighty per cent of women offenders under twenty-one were not allowed time to pay; but apparently soon after their reception into prison about a quarter of this number paid the money and obtained their release. Some Governors of prisons regretted this payment and speedy release. The Governor of Liverpool Prison reported in 1919³ that he was 'sorry to know that so many fines are tendered to release these girls. Some borrow money from men, and thus become their debtors, and all that it entails - others, at usurious rates, borrow from women, whose rooms they frequent. The payment of fines in these cases is regrettable, and particularly so, in that it interrupts the medical treatment they are usually undergoing.'

Inebriate Reformatories

A considerable reduction in the number of short-term prisoners in local prisons had been achieved by permitting the part-payment of fines. The prisons were still, however, overwhelmed by many categories of offenders whom, it was beginning to be realised, could not and should not form part of the ordinary prison population. One

1. 1916-17 - Parl. Papers, 1917-18, XVIII - p. 8.

2. Ibid.

3. 1918-19 - Parl. Papers, 1919, XXVII - p. 21.

of the most difficult categories to deal with was the large number of women committed to prison for drunkenness. In 1909 the Commissioners noted¹ that 'over one-half of the women, and nearly one-third of the men sentenced to imprisonment in this country are committed for drunkenness, and repeated convictions in both cases, and especially in the case of women, constitute one of the saddest and most unprofitable features of prison administration.'

In 1898² Parliament had legalised the detention, for a term of not more than three years, of those proved to be 'habitual drunkards' - who, to earn this title, had to have been convicted of offences concerned with drunkenness at least three times in the preceding year. It was laid down that such offenders could be confined either in local certified reformatories - which were in existence - or in state reformatories - which were not. Hopes that the local certified reformatories might be able to deal with all cases were not realised, and it soon became obvious that the Act could not be put into practice satisfactorily without the establishment of State reformatories. In 1900 a Reformatory was built for women inebriates on land near the female convict prison at Aylesbury. It was separated from the prison by a high wall, and the only contact between the women was at church services on Sundays. The Reformatory was under the control of the Prison Commissioners, who intended to use it for the treatment of those women inebriates who were unsuitable for confinement in local reformatories. A similar male reformatory was established at Warwick.

1. 1908-9, p. 26.

2. 61 and 62 Vict. c. 60.

The population of these two institutions was never very large, although more women were directed to Aylesbury, than men to Warwick. In Dr. Braithwaite's opinion,¹ as Inspector under the Inebriates Acts, there were two main reasons for this preponderance of women: first, the greater reluctance of magistrates to commit men to prison for drunkenness, and secondly, 'the difference between the effect of alcoholic excess upon women and men.' The average number of women confined at Aylesbury for the years before the War was seldom more than fifty. They lacked sufficient employment,² and lived in conditions of discomfort, due to the restricted space in the Reformatory. Numbers rose slowly, and continued to increase until 1907-8,³ when it seemed that more space might be needed. By this time, however, courts were becoming less confident about their powers of transfer to the reformatories, and less certain of the curative powers of long sentences in such institutions. Magistrates found the procedure for sending a prisoner to gaol 'simple and rapid,' compared with the 'relatively cumbrous and dilatory' procedure necessary for sending her to a Reformatory.⁴ As a result the numbers of inebriates transferred from local certified reformatories began to fall, and continued to do so. By 1917⁵ there were only two inmates of the Inebriates Reformatory at Aylesbury, and the building was being used as a place of internment for women during the War, and as an overflow of the Borstal Institution.

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1. Report of Inspectors under the Inebriate Acts, 1909 - Parl. Papers, 1911, XXIX, Pt. 1 - p. 17.
 2. 1902-3 - Parl. Papers, 1904, XXXV - p. 68.
 3. 1911-12, p. 55.
 4. 1909 Report of Inspectors under Inebriate Acts, p. 16.
 5. 1916-17, p. 14.

The history and failure of these institutions can be read in the yearly Reports of the Prison Commissioners. From the beginning it was realised that results would not be easy to achieve, but those in charge of the Reformatories worked with the utmost energy and enthusiasm in their attempt to make the experiment succeed. Dr. Branthwaite reported in 1909¹ his conviction that 'the routine of a prison is no more suited to the needs of the habitual drunkard than it is suited to the treatment of any other form of mental unsoundness.... The inebriate requires careful medical attention, regular bathing, physical exercise and drill, with a view to the recovery of physical as a preliminary to recovery of mental health. His condition demands harder, more continuous and healthy work than is possible in the confines of a cell, or even within the restricted area of prison walls.... The nearer an Inebriate Reformatory resembles a mental hospital in all its arrangements, the better will be its suitability for the work it has to do, and the more the mental aspect of inebriety is kept in the foreground, the more satisfactory will be the results of treatment and control.'

The problems facing inebriates while at Aylesbury, and after their release, were a matter of great concern to those in charge of the Reformatory. Gardening was found to be the best employment for those women who were strong and able-bodied.² They were interested in the work, and not only was their behaviour good while they were actually working, but, being thoroughly tired by their exertions, they were much less quarrelsome afterwards. The Governor reported,

1. 1909 Report of Inspectors under Inebriate Acts, p. 52.
 2. 1906-7 - Parl. Papers, 1908, LII - pp. 440-1.

in 1906,¹ that it was extremely rare 'for a garden worker to be reported for an offence against discipline.' Attempts to occupy the minds of the inmates were less successful, and it was felt strongly that the majority had been committed to a Reformatory far too late in their careers.² Although 38.6 years was the average age for women to be committed to reformatories as inebriates, research had fixed 26.5 years as the average age when these women began to drink to excess.³ The greatest problems, however, arose when the time came for the women to leave Aylesbury. Those concerned with their welfare had no illusions as to the difficulties of keeping them in Homes and other charitable institutions,⁴ 'owing to their restless and wayward moods.' There was urgent need for work to be found for the women on their release, for them to be visited wherever they were living, and, above all, for them to be⁵ 'led to believe that some interest is taken in their welfare, for a considerable period afterwards.'

Before Dr. Branthwaite left for military service at the beginning of the War, he again stressed his opinion that the decrease in the numbers of inebriates sent to Aylesbury and Warwick was not due to any decrease in the value of the Reformatories themselves. 'Unless some effort is made to secure the passage into law of a consolidating and amending Bill,' he wrote,⁶ 'this excellent attempt to institute more rational methods for dealing with habitual inebriates, at any

1. 1905-6, pp. 578-9.

2. 1914-15, p. 23.

3. 1909 Report of Inspectors under Inebriate Acts, p. 18.

4. 1905-6, p. 578.

5. 1903-4 - Parl. Papers, 1905, XXXVII - p. 601.

6. 1913-14, II, p. 46.

rate with those who haunt our courts and prisons, is doomed to failure.' The War, however, prevented any progress in the direction he desired. Two years later, in 1916, the Commissioners reported¹ that 'the failure of the Inebriates Act 1898 to deal with the problem of habitual alcoholism must, we are afraid, be admitted.'

Mentally Defective Prisoners

One of the most difficult elements in the convict population at Aylesbury was the large number of mentally 'borderline' and feeble-minded women, sentenced to penal servitude, but uncooperative and completely unsuited to the ordinary prison regime. An attempt was made in 1906² to segregate these cases in a separate building, under specially selected officers, and by 1909³ there were fourteen women in this ward, where they worked together in association, irrespective of any classification. This change was an unqualified success. The main prison became quieter and more orderly, and discipline proved much easier to maintain. The authorities were, however, not satisfied that these women should be in prison at all. Although segregated, it was clear that they could not profit from nor be influenced by prison discipline; and there was no power to detain even⁴ 'the most hopelessly defective person' after she had served her sentence.

Not only in Aylesbury was there anxiety regarding the increasing numbers of mentally deficient men and women who were finding their

1. 1915-16 - Parl. Papers, 1916, XV - p. 10.

2. 1906-7, p. 415.

3. 1908-9, II, p. 209.

4. 1907-8 - Parl. Papers, 1908, LII - p. 48.

way into prisons throughout Britain. Dr. Mary Gordon, as Lady Inspector of Prisons, expressed strong views on these prisoners in her Report in 1912.¹ 'Committal to prison for their petty offences possibly prolongs their lives, and probably fortifies their potentialities for mischief; it does not influence their conduct nor protect them, nor protect society from them. Their offences, which tend to be more unreasoning and impulsive, as they grow older, are merely symptomatic of their state. There need be little fear that these people would be unjustly deprived of their liberty if controlled on some more systematic and permanent plan than by repeated short sentences.... The more I examine this matter, the more I am impressed with the urgent necessity that exists for founding the treatment of feeble-minded prisoners upon more rational and humane lines than is now the case - or possible.' Three years earlier the Prison Commissioners had mentioned the² 'clearing-out of our prisons of the drunkard, the tramp and the imbecile' as a necessity if progress in the work of 'greater individualisation of prisoners' was to continue. Eventually, yielding to pressure from all sides, Parliament passed, in 1913, a Mental Deficiency Act,³ which gave powers to the authorities to transfer feeble-minded prisoners to local or state institutions.

A year later, the Governor of Holloway reported his hopes⁴ 'that numbers are likely to decrease considerably in the future with the advent of the Mental Deficiency Act, 1913, and this will

1. 1911-12, p. 37.

2. 1908-9, p. 26.

3. 3 and 4 Geo. 5 c. 28.

4. 1913-14, II, p. 36.

contribute materially to the discipline of the prison, as this class of prisoner, in the majority of cases, is quite unsuitable for prison discipline, and their example has a bad influence upon other prisoners.' The intentions of the Act were, however, seriously frustrated by lack of accommodation for mentally deficient persons in institutions. The Report of 1915-16 complains¹ that 'the absence of institutional accommodation for defectives...exercises a paralysing influence on operations under the Act as regards the disposal of criminal defectives;' and for some years the situation showed few signs of improvement. After the War, however, a state institution for male and female defectives was established, and in 1924 Ruggles-Brise expressed his hope² that 'in the near future full provision will be made for dealing with all defectives, guilty of criminal offences, who are certifiable under the Act.'

Prostitution

Dr. Mary Gordon had given her opinion at the beginning of the War that the majority of prisoners in custody remained³ 'the usual well-known disorderly, feeble-minded or criminal persons, who form the prison population in times of peace.' The War did, however, have certain definite effects on one of the largest groups of women in the prison population - the prostitutes.

In 1918 the Chaplain of Holloway reported⁴ that the type of prostitute committed to prison had now, in his opinion, 'greatly

1. 1915-16, p. 17.

2. Ruggles-Brise, p. 192.

3. 1914-15, p. 27.

4. 1917-18 - Parl. Papers, 1918, XII - p. 11.

deteriorated. The girls, for the most part, are very young and very ignorant, very vicious, very corrupt. Frequently they come from the provincial towns and country districts. These are distinctly a war product.' Shortly after the beginning of the War the numbers of prostitutes appearing on the streets of London had increased considerably. Throughout her thirteen years service as Lady Inspector, Dr. Mary Gordon paid particular attention to their problems, and her book, written after her retirement, contains strong criticism of the methods used by the authorities to deal with the problems of prostitution and venereal disease, especially during the War years. She described how, in the early stages of the War,¹ it 'became a fashion among street girls to be very "ladylike". Girls dressed and behaved quietly, and there was, of course, a great desire among them to be noticed by officers. Men of all ranks in uniform did not care to attract attention by associating with loud and noisy girls, and encouraged them to behave quietly. Owing also to the difficulty of determining the class of women with whom the streets were thronged, it was important for the police not to make mistakes. The result was that the arrest of numbers of girls and women who were undoubtedly "common prostitutes" could not be effected.'

With the enforcement of the black-out, later on in the War, there came an even more obvious increase in prostitution. In an endeavour to check the activities of prostitutes and the spread of venereal disease, the Government brought in, under the Defence of the Realm Act, ~~z~~ Regulation 40 D,² which laid down that any woman

1. Mary Gordon - Penal Discipline; London; 1922, p. 114.

2. Defence of the Realm Act, 6th Ed., 1918, p. 163.

suffering from venereal disease, in a communicable form, who either had sexual intercourse with a member of the British or Allied Forces, or solicited or invited a member of these Forces to have intercourse with her, could be sent to prison for six months, or fined £100, or both. If arrested and accused, a woman had the right to apply for a remand of not less than one week, so that she could be medically examined. About 400 women were seriously suspected of coming within this Regulation, but only about 200 were arrested, and half this number were eventually punished for contravening the law.¹ Public opinion, on the whole, was not happy about the enforcement of this Regulation, and it was eventually withdrawn.

A very similar measure was suggested in the Criminal Law Amendment Bill,² introduced in 1918. Clause 2 of this Bill substituted 'any other person' for the limited category of Members of the Forces stated in Regulation 40 D, and raised the punishment for conviction on indictment to imprisonment for up to two years. For summary conviction the maximum sentence suggested was six months. Clause 6 of the Bill proposed imprisonment for not more than a month as a punishment for any prostitute - even if free from venereal disease - who had been previously convicted. There was considerable opposition to the Bill, however, and it never reached the statute-book.

Alarm at the spread of venereal disease among the troops caused deep concern to the naval and military authorities during the 1914-18 War. By another Regulation, under the Defence of the Realm Act - Regulation 13 A³ - women convicted of prostitution could be prevented

1. Gordon, p. 115.

2. 7 Geo. 5, Parl. Papers, 1917-18, Bills, Vol. I.

3. D.O.R.A. 5th Ed., 1918, p. 92.

from 'residing in or frequenting' military areas. This method of dealing with prostitutes seemed to Dr. Gordon¹ to be cruel as well as futile. It certainly had little effect in checking the spread of venereal disease, nor did the experience of the military authorities with this method of control encourage them to attempt to introduce a similar Regulation when the Second World War broke out in 1939.

Two methods by which the authorities attempted to control prostitution and venereal disease, in peacetime as well as war, were by the use of powers of remand, and by requiring the finding of sureties for good behaviour. Girls were remanded for enquiry into their 'state of health', a procedure which might take more than a week, and so require them to be remanded again for a second time. If they were found to be suffering from venereal disease, they were sometimes remanded yet again, so that they could undergo treatment. Dr. Gordon felt strongly that this procedure was unjust. The women, she considered, were being kept in prison² 'for an enquiry into something that had nothing to do with their offence, and was not necessary to their conviction, and in the end, after being in prison several weeks, many were discharged unconvicted.' Ten cases, in which she took especial interest, were remanded from four to six times each, 'the ten travelling to and from the court and the prison 86 times.'³ Eventually none of these women were sentenced to imprisonment, although their 'collective detention on remand ran into years.' One possible explanation, of course, for sentences of

1. Gordon, p. 115.

2. Ibid, p. 117.

3. Ibid.

of imprisonment not being imposed, may well have been that this long period of remand was taken into consideration.

Under the Justices of the Peace Act 1361,¹ women suspected of being prostitutes could be required to find sureties for their good behaviour. The sureties demanded of these women were so heavy that in practice there was no choice left to them than to accept the alternative - imprisonment - from which they were not permitted to release themselves by any form of part-payment, as they could have done if they had been fined. This practice of demanding sureties was apparently regarded by prisoners as a form of 'state blackmail', and the detention, which could not be reduced by part-payment, as a 'vengeful punishment'.² Dr. Gordon contended that controlling prostitution by successions of short sentences was bound to have a hardening effect on the prostitutes concerned.

Permission to obtain release by part-payment of fines did not, however, meet with the approval either of the Lady Inspector, nor of many prison Visitors. They complained that the treatment given to prostitutes for venereal disease in prison gave to men 'a false sense of security'.³ According to Dr. Gordon,⁴ 'Men will come up to a prison and pay the remainder of a girl's fine and take her away, upon her assurance that she has been "under the doctor". A girl often advertises her 6 weeks' recent detention in prison and makes a profit by it. So that all the expensive arresting, remanding, convicting, and careful and laborious treatment may effect, for the

1. 34 Edw. 3 c. 1.

2. Gordon, p. 124.

3. Ibid, p. 125.

4. Ibid.

girl, is to send her out of prison on the whole as great, if not a greater, danger than before.'

It may be noted that out of the 150 girls observed by Dr. Gordon in one prison, 69 had been sentenced for 'loitering' and only 6 for the positive offence of 'soliciting'.¹ Section 54 of the Metropolitan Police Act, 1839,² had included both offences. It laid down that 'every common prostitute or night walker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers' could be fined £2, or, in default of payment, sent to prison. Similar provisions are included in the Town Police Clauses Act of 1845.³ This Act, however, - which was the basis for action against prostitutes in most English cities outside London - gave power to justices to award a sentence of imprisonment instead of a fine, if they thought fit.

The methods of dealing with prostitution during this period showed little enlightenment on the part of the administrators, nor were they in any way effective. It should, however, be remembered when regarding the position historically, that it is only quite recently that it has been possible to consider the problem of prostitution separately from that of venereal disease. Up to the time of the discovery of penicillin, it was necessary to consider prostitutes as carriers of disease, even more than as offenders against the morality of the society in which they lived. In time of war the infection of troops with venereal disease was a particularly serious problem.

1. Ibid, p. 117.

2. 2 and 3 Vict. c. 47.

3. 10 and 11 Vict. c. 89.

Chapter 14

PRISON ADMINISTRATION UNDER SIR EVELYN RUGGLES-BRISE + 1898 - 1921

PART II - PRISON CONDITIONS AND AFTER-CARE

Aylesbury Convict Prison

Until 1918 all women convicts sentenced to penal servitude were sent to Aylesbury Prison. Miss Mary Size - later one of the most outstanding women prison Governors - described it as¹ 'situated on Bierton Hill, about a mile from the town, surrounded by beautiful scenery. Within its high walls there is a small acreage, part of which is under cultivation, and the remainder converted into exercise grounds, with paved paths and herbaceous borders. Apart from the prison building, there is a large house - staff quarters - and a block comprising two large workrooms and the engineer's office. At the opposite side of the grounds there is another building known as the penal, or punishment, block.... One work-room contained apparatus for the manufacture of twine, and the other was equipped for needlework, knitting and dressmaking. One section of this room was set apart for star convicts and was known as the Star Room.' In the early years accommodation at Aylesbury was restricted and it was no great misfortune when the administrative wing was destroyed by fire in 1904,² and had to be rebuilt.

At this time the system of penal servitude in force for women convicts was similar to that which applied to men, except that women could earn more remission of their sentences - up to one-third - and

1. Mary Size - Prisons I have Known; London; 1957, p. 51.

2. 1903-4, p. 565.

might be sent to a 'refuge' for the last nine months before their release. Convicts were divided into three classes, each class being kept apart from the others at work and exercise, as far as practicable.¹ In the 'Star Class' were women who had not been previously convicted, and those not considered to be habitual criminals, nor of corrupt habits. The figures of recidivism for this class of women were among the most encouraging which the Prison Commissioners reported each year. Of 170 'Star' women convicts released during the years 1879 to 1910 only one returned to penal servitude.²

The second, 'Intermediate', class was intended for convicts not previously convicted, but whose character and antecedents led the Commissioners to consider them unsuitable for the Star class, and also for prisoners previously convicted, but not so hardened in crime for them to be placed in the 'Recidivist' class. Intermediate class convicts could be promoted to become 'Stars', or reduced to become 'Recidivists'. This classification came into force for women in 1905. According to the Governor of Aylesbury,³ 'at first there was some discontent amongst certain of the recidivists that they were not included in the intermediate class, but this soon passed off.'

Discipline at Aylesbury was necessarily strict, but the regime during this period showed little signs of imagination, although small changes were introduced over the years. From 1900⁴ 'well-behaved convicts' were allowed to retain in their cells photographs 'of their respectable friends and relations', and, in 1901, a system of

1. Ruggles-Brise, pp. 40-1; 1905-6, p. 24.

2. 1909-10, p. 22.

3. 1905-6, p. 533.

4. 1899-1900 - Parl. Papers, 1900, XLI - p. 27.

'recreative industry' was started.¹ With material provided by the Lady Visitors - whose Association had been founded the year before under the Duchess of Bedford - the convict women were allowed to 'dress dolls, make children's garments, petticoats and fancy articles' in their spare time. The completed work was sold, and the money put aside for them on their discharge from prison. By 1910 the Commissioners had come to the conclusion that lectures and musical entertainments 'of an elevating character' might be permitted in convict prisons.² Provided that only those whose conduct and industry were good were allowed to attend, the 'effect on the general discipline of the convict establishments would be considerable.' They eventually arranged for two paid lectures and two musical entertainments to be given in each convict prison during the year.³ Well-behaved prisoners were allowed to take out two books a week from the prison library, which was under the charge of the Chaplain, and now contained fiction and thrillers, as well as historical novels and books of travel and biography.⁴ Educational classes were arranged for all women under the age of thirty, and for any women over that age who wished to attend. Although the Chaplain complained in 1901 that⁵ 'women do not seem to value the instruction or make so much progress' as men, Miss Size found that the majority of women she taught at Aylesbury responded well,⁶ 'and were keen to learn as much as possible during their detention.' It was, in fact,

1. 1900-1 - Parl. Papers, 1902, XLV - p. 33.

2. 1909-10, p. 21.

3. 1910-11 - Parl. Papers, 1911, XXXIX - p. 17.

4. Size, p. 54.

5. 1900-1, p. 43.

6. Size, p. 54.

unfortunate that, during this period, so few outlets were provided for their mental and for their physical energies.

'The lot of a woman convict in 1912' was, as Miss Size observed, 'a hard one.'¹ 'Her day started at 6.30 a.m. and, with rigid regularity, the time-table was adhered to day in, day out, for years without variation. She knew exactly what she would find in her dinner tin at noon each day. Her breakfast and her supper never varied.' A pint of gruel and 6 oz. of bread was the usual fare provided for both breakfast and supper during this period, with cocoa occasionally for breakfast.² For dinner the changes were rung between 4 oz. of bread, 8 oz. potatoes and 10 oz. suet pudding, or 8 oz. bread, 10 oz. potatoes and 3 oz. cooked beef without bone, or 6 oz. bread, 6 oz. potatoes and 1 pint of soup. The majority of the convicts³ wore the same style of dress year after year. The only exception was that women serving very long sentences were, after seven years, given a mustard coloured cotton dress instead of the usual grey with red stripe. This change of dress was regarded by them as the first step towards their liberation. Instead of the blue check neckerchief and handkerchief issued to women in local prisons, the women convicts used white ones. They were squares of cotton in two sizes, the larger one being the neckerchief and worn like a fichu. These were not worn at work but only when the women attended chapel services or when they had visitors.'

In 1914 Dr. Selina Fox, who had been head of the Bermondsey

1. Ibid, p. 55.

2. Rules made under the Prison Act, 1898, Parl. Papers, 1899, LXXIX, p. 293.

3. Size, p. 55.

Medical Mission, was appointed Lady Superintendent of the four female establishments at Aylesbury¹ - the State Inebriate Reformatory (containing in that year a daily average of 62 inmates),² the Borstal Institution (with 87 inmates), the Preventive Detention Prison (with 4 inmates), and the Convict Prison (with 95). In 1916 she became the first woman Prison Governor, and held the appointment for three and a half years, being succeeded by Miss Margaret Arbuthnot, who had done social work in Egypt before entering the Prison Service. By this time, however, the number of women convicts had decreased so considerably since the beginning of the century - in 1917³ the daily average population of Aylesbury was not more than 78 women - that the Commissioners decided to close down the convict prison, and use the accommodation for the growing Borstal Institution. Possibilities of a move had been mentioned first in the Report for 1911-12,⁴ but the outbreak of War caused all plans to be postponed. In 1918,⁵ however, all the convicts were transferred to a wing of Liverpool Prison, the Commissioners hoping at that time that a new women's convict prison might be built after the War at St. Albans.

Holloway Prison

Whereas the importance of Aylesbury as a woman's prison had been declining throughout this period, the importance of Holloway had been increasing. In 1902⁶ the last men prisoners were removed

1. 1913-14, p. 20.

2. Ibid, p. 125.

3. 1916-17, p. 14.

4. 1911-12, p. 14.

5. 1917-18, p. 13.

6. 1901-2 - Parl. Papers, 1902, XLVI - p. 7.

to Brixton, and a year later the prison received the women prisoners from Wormwood Scrubs,¹ which concentrated all the women convicted in the Metropolitan area in one prison. The Commissioners' Reports on the changing conditions in Holloway over the years describe many problems of prison life and administration, which were also experienced in other local prisons up to 1921.

In 1902, faced with the prospect of accommodating 400 additional women prisoners, the authorities removed the old partition,² which had formerly separated the male side from the female side of the prison. In spite of these alterations, however, it was soon obvious that Holloway could not possibly accommodate all the women convicted in the London area at this time. When the prison was full to overflowing, batches of prisoners were transferred to country prisons, causing considerable disorganisation to the prison administration. These transfers did not cease until 1906, when a new wing of the prison was opened.³ In 1903 strong measures had to be taken for the 'extermination of vermin',⁴ and, by the end of the year, the Governor was gratified to record that 'no complaints of vermin have been made by prisoners for some months past.' Iron beds - 'more sanitary and better adapted to the wants of women' - were substituted for plank beds in this year.⁵ More varied industries were introduced for the employment of the prisoners,⁶ such as 'bead-blind-making', and the making of uniforms for the officers, and for Greenwich

1. 1902-3, p. 36.

2. Ibid, p. 339.

3. 1905-6, p. 310.

4. 1902-3, p. 340.

5. Ibid, p. 339.

6. Ibid.

Hospital. A new laundry was opened, which dealt with 9000 articles a week. The prisoners washed for Brixton Prison and various Government offices, as well as for the prison itself.

In 1903-4 the Commissioners' Report mentions a scheme for the regular provision of lectures¹ 'on secular subjects, such as health, nursing, sanitation, etc.' These lectures were attended by selected prisoners, and given by ladies who had offered their services. The main concern during the year, however, was with the extension of work in association for the women. The Governor of Holloway stressed the advantages of such work for women prisoners.² Reports for misconduct against women working in association were very rare. They worked well and cheerfully, and, far from increasing in idleness, generally turned out more work than required by the prison rules. By such work they were able to acquire skills which would be of use to them on their release, such as laundry-work, which offered wide scope for employment in London at this time. The Governor pleaded for some relaxation in the progressive stage system, so that he might be allowed to employ first stage women more freely in associated industrial labour, which would be more remunerative, and also be³ 'more interesting and therefore more improving to the women, than picking coir in cells or similar monotonous work.' A year later, he contrasted the present conditions with those prevailing twenty-five years earlier,⁴ 'when unproductive labour was generally carried on in separation in prison.' There had been 'a very marked improvement in

1. 1903-4, p. 31.

2. Ibid, p. 331.

3. Ibid, pp. 331-2.

4. 1904-5 - Parl. Papers, 1906, L - pp. 318-9.

the order, discipline, and general conduct of prisoners, as well as a marked increase in the out-put of work. Reports for idleness under the old system constituted a large proportion of the total prison offences committed, while at present they are almost non-existent under the more rational system of associated labour with careful supervision and instruction in workrooms with more cheerful surroundings. There can be no doubt that prolonged solitude in cells was the direct cause of much suffering, both of mind and body, especially to female prisoners.' In spite of this 'marked improvement' the conditions of work for women prisoners were deplorable, and remained so until the end of this period.

From her appointment in 1907, Dr. Mary Gordon took a particular interest in the problem of associated work for women prisoners. Her efforts to achieve changes in the old system eventually succeeded in 1910, and a tribute to her work is paid by the Commissioners in their Report for this year.¹ They announced that women prisoners would no longer be employed in separation in the first stage, but might be associated for purposes which were 'useful and productive.' In future the domestic work and cleaning of the prison was to be done by women serving short sentences, who would not be in prison long enough to be trained in any work requiring skill. Dr. Gordon was, however, particularly concerned with the welfare of women prisoners serving sentences of less than six months. She found that² 'although the great majority of female prisoners are convicted for very short periods, ranging from 7 days to 3 months, they are recidivists, and

1. 1909-10, p. 23.

2. Ibid, p. 29.

many spend a large part of their lives in prison. These prisoners form the backbone of the prison industries, and are by no means to be reckoned as ineffective units in the work performed. Although the new scheme is in its initial stage the work has already improved in two respects. The quality is superior, and more evenly good work is being produced all round. The poorest quality needlework has practically disappeared, and the best quality is better than before. Many prisoners have turned into good needlewomen and machinists in a short time. Although the chief aim has been to improve the quality, most officers reported that the quantity of work done is greater.'

In 1906, a new wing was opened in Holloway,¹ containing 101 cells, to be used for the segregation of 'Star' prisoners, first offenders and young prisoners. During this year twenty children were born in the prison,² two of them to unconvicted women, detained in Holloway under remand from the police courts. The Governor felt, with justice, that 'in the interests of the children, as well as of the untried, and possibly innocent, mothers, it would be desirable that "advanced pregnancy" should be accounted a good reason for bail in these cases, or that some other means should be devised whereby these births should not occur in prison.' By this time, the 'advanced pregnancy' of a convicted prisoner with a short sentence was considered a good ground for release by the Secretary of State.

Certain improvements were made in conditions affecting prisoners' health at Holloway during this period. One of the most frequent minor complaints made by the suffragettes, with regard to health, was

1. 1905-6, p. 310.

2. Ibid, p. 312.

the lack of fresh air in the cells in which they were confined. Lady Constance Lytton described the window of her cell as having¹ 'no opening of any kind, the sixteen small panes of glass in their wooden framework were hermetically sealed. There were three ventilators in all, but on placing my hand upon them there was no feeling whatever of a current of air.' In 1911 the Surveyor reported that the 'provision of opening panes and clear glass in cell windows' had been continuing² - 'another two years' work (if funds are forthcoming) should complete the prisons' - and, by 1910, the Governor of Holloway was able to announce that³ 'in nearly all the cells clear glass has been fitted to the windows in place of opaque glass. This makes the cells much lighter and brighter.' 'Sliding panes,' he reported, had also been introduced, 'which correspond practically to windows that can be opened. This has proved of great advantage, and is likely to be even more appreciated in warmer weather than it has already been.'

The system of lighting the cells was improved in the same year, by the introduction of incandescent lighting in place of the old gas lamps. This gave⁴ 'a much better light for working or reading in the evenings,' but, even so, the strain on the eyes of a woman prisoner, who wished to read or work in her cell, must have been considerable. Three years earlier, to improve the prisoners' physical fitness, Swedish drill had been introduced as a 'permanent feature of prison training.' Three classes were held each week for

1. Lytton, p. 185.

2. 1910-11, p. 51.

3. 1909-10, II, p. 70.

4. Ibid.

prisoners, and later prison officers on probation at Holloway were also taught Swedish drill, so that they might be able to conduct classes when they were appointed to other prisons.

After her retirement from the post of Lady Inspector of Prisons, Dr. Mary Gordon strongly criticised the prison administration under Ruggles-Brise. She considered that the treatment of women prisoners in Britain compared very unfavourably with the more liberal conditions prevailing in France.¹ It was only in British prisons that² 'the criminal, feeble-minded, drunken, the early dement, the paranoic, the senile, the crippled and the young offender' were gathered together under one penal discipline.

She was not alone in her disappointment that the outlook of the Prison Commissioners under Ruggles-Brise had changed so slowly from the rigorous and unenlightened regime of Du Cane. As Sir Lionel Fox remarked³ it is 'difficult to find evidence of any positive elements making for reform or rehabilitation' in their administration of the prisons. Before Ruggles-Brise retired, however, there were signs that public opinion was not satisfied with conditions in the prisons, as described by suffragettes and conscientious objectors, who had served sentences of imprisonment during this period. In 1919 the Labour Research Department set up a Prison Enquiry Committee. This Committee found little difference between the principles and practice of prison discipline prevailing under Ruggles-Brise's administration from those which had prevailed under Du Cane. The Prison Commission

1. Gordon, pp. 209-217.

2. Ibid, p. 229.

3. Fox, p. 62.

were 'autocratic and irresponsible.'¹ Their treatment of prisoners was founded on² 'retributory and deterrent factors, to the exclusion of truly preventive and educational principles,' causing³ 'progressive weakening of the mental powers' and a 'deterioration of character.' For women prisoners⁴ there was insufficient privacy and consideration of their special physical needs: and insufficient training in the care of children, for women convicted of offences entailing cruelty or neglect.

The views of Ruggles-Brise on penal discipline - like those of Du Cane before him - were certainly not in advance of his time. When addressing the International Congress of Washington in 1910, he observed that⁵ 'in Europe we place the constituent elements of punishment in the following order: Retributory, deterrent and reformatory.' The Commissioners' Report for 1911-12 again emphasised the importance of these first two elements.⁶ 'Our constant effort is to hold the balance between ^{what} ~~which~~ is necessary as a punishment, and for the due execution of the sentence from a penal and deterrent point of view, and what can be conceded, consistently with this, in the way of humanising and reforming influences.'

The experiences of the War years undoubtedly created a climate of opinion, after 1920, in which it was easier to introduce more constructive prison reforms without offending public feelings. The task of the more enlightened administration which succeeded Ruggles-

1. English Prisons Today - ed. S. Hobhouse and A. Fenner Brockway (Report of 1919 Cttee.); London; 1922, p. 72.

2. Ibid, p. 85.

3. Ibid, p. 561.

4. Ibid, pp. 336-350.

5. Shane Leslie - Sir E. Ruggles-Brise; London; 1938, p. 163.

6. 1911-12, p. 27.

Brise in 1921 was, however, assisted by the fact that by this time many classes of offenders had been 'cleared out' of the prisons. It should also be remembered that under the administration of Ruggles-Brise the special problems of women prisoners were, for the first time, given some consideration, even though the conditions under which they were confined were often unsuited to their needs.

Ruggles-Brise had always been particularly concerned with the continual procession of women with short sentences, who passed each year through the prisons of Britain. He considered that their problems would only be solved¹ 'when the State boldly recognises the essential difference between the instincts and motives leading to criminal acts in the two sexes, and adapts its method of punishment and reformation accordingly.' In 1924 he observed with wisdom that a study of the English penal system did not show² 'that at any time the method of dealing with criminal women has engaged that close attention which might have been expected from the nature and difficulty and importance of the problem. The law strikes men and women indifferently with the same penalties of penal servitude and imprisonment. In the case of women it only provides that they shall be separated from the other sex: that they shall be in the charge of female officers, and that they shall be relieved from the harder forms of labour.'

No real change in the attitude of the prison administration can be observed before 1921. In that year, at last, the first signs were visible of a realisation - long before apparent in the United

1. Ruggles-Brise, p. 122.

2. Ibid, p. 116.

States of America and in most countries of Europe - that prison conditions suited to the needs of men were not necessarily suited to the needs of women, and that no progressive schemes of training could be introduced without a complete reorganisation and reorientation of women's prisons and Borstals throughout England and Wales.

Borstal Training

The work for which Sir Evelyn Ruggles-Brise's name will be mainly remembered is that of inaugurating the Borstal system for young men and women. From the beginning of the century he had experimented with schemes for training young men who had been sentenced to terms of imprisonment, and the results of his experiments and observations were consolidated in 1908, when the Prevention of Crime Act¹ set up Borstal Institutions for young women, between the ages of 16 and 21, as well as for young men. The Commissioners had expressed their concern in 1907 that there was² 'at present very little power to prevent young girls, without suitable friends, from returning to a life of vice. While in prison they receive care and attention, but better results might be obtained by a more complete working of the Borstal system (which has proved so successful with lads) in the treatment of girls under 21 years of age.' No efforts had been made before 1908, however, to bring these girls within the Borstal system then in force, because of the small numbers concerned, the shortness of sentences generally awarded to this age-group, and also the fact that in women's prisons a 'Modified Borstal System' already existed,

1. 8 Edw. 7 c. 59.

2. 1906-7, p. 248.

which provided some special care for the younger women prisoners.

After the passing of the 1908 Act, it was decided to establish a Borstal Institution for girls in a wing of Aylesbury convict prison. By this Act the length of a Borstal sentence was to be not less than one year, nor more than three years. The minimum period was raised to two years in 1914.¹ At first, however, cases were to be sent to Aylesbury, not only direct from the courts, but from other prisons. The Secretary of State was empowered by the Act to transfer to the Borstal Institution any prisoner serving a sentence of more than four months who was considered suitable for treatment. Borstal Committees were established at all women's prisons,² who could suggest to the Commissioners cases they considered suitable for transfer to Aylesbury.

On arrival at Aylesbury all girls were placed in the Ordinary Grade,³ where they remained for three months at least. After this time they were promoted to the Intermediate Grade at the Governor's discretion. Conversation was not allowed in the Ordinary Grade, 'except such as is incidental to their daily routine duties.' In the Intermediate Grade the girls were allowed exercise in association and games at week-ends, and could be promoted after three months - at the discretion of the Institution Board - to the Probationary Grade, where they were expected to remain at least six months. In this grade they were allowed meals in association as well as 'conversational exercise and organised games at weekends.' According to the Instructions given by the Prison Commissioners, 'when labour ceases

1. 4 and 5 Geo. 5 c. 58.

2. 1909-10, pp. 10, 11.

3. Instructions for carrying out the Regulations under the Prevention of Crime Act, 1908 - Ruggles-Brise, pp. 257-64.

in the afternoon, they will be permitted to change clothes for tea. Subject to educational requirements, classes, lectures, labour, etc., they will be free for recreation either in a room with others, or for the purpose of private work, study, etc., in their own rooms. The rooms will be locked only at night.... Marching in parties to labour will cease. Each inmate will find her own way to work, etc., at the appointed time.'

After six months in the Probationary Grade, the Institution Board could promote a girl to the Special Grade, where she would be housed in special quarters and wear a different dress. She was allowed to read newspapers, and was provided with 'superior crockery' for meals. In this grade she could earn gratuities and good conduct stripes, and was allowed outside the walls on parole. She might also go errands outside the Borstal, or undertake work in the neighbourhood. Once in the Special Grade, the Borstal girl was eligible to be considered for release on conditional licence, and her case was brought before the Institution Board for consideration every two months. A Star Special Grade was introduced, whose members could act as Monitors and fill positions of trust. Girls in the Special Grade might receive visits monthly and letters fortnightly. Those in the Probationary Grade were restricted to one letter and one visit a month, and those in the Ordinary and Intermediate Grades to one letter and one visit every six weeks.

To deal with the problem of girls transferred from local prisons, with sentences of four months and over, regulations were made for them to be able to reach the Special Grade by good conduct and industry in three months.¹ When they reached this grade, they

1. 1908-9, p. 16.

became eligible for licence, so that some supervision was able to be exercised over them after their release. The privileges of the Special Grade, according to the Governor of the Borstal Institution in 1913, were¹ 'greatly appreciated by the majority, and act as a stimulus to good conduct and industry. An inmate in this grade has a washstand, crockery ware in lieu of tins, and a looking glass in her cell. She is also given a plant or fern in a pot to tend, and is allowed to have photographs of her near relatives on her shelf.... After being three months in this grade a girl can purchase comforts, such as sweets, biscuits and fruit.'

The experiment of introducing Borstal training for girls began under most unfavourable conditions. According to Miss Size,² 'A small wing of the Women's Convict Prison at Aylesbury was set aside to try out this experiment. Some time during 1909 eight girls committed to Borstal were sent there and placed under the supervision of officers, who had dealt previously with women convicts. There was a good deal of frustration, as no one seemed to know how to deal with these girls. The Governor was a medical man nearing retirement. The Deputy-Governor, also a medical man and a bachelor, was unable to make any useful contribution to the scheme. The Chief Matron who had been in the convict service for more than thirty years, and who was completely out of touch with girls, found it difficult to formulate a workable plan for dealing with them and for carrying out the statutory rules governing their training. After a period of trial and error, a scheme was evolved and the experiment carried out under

1. 1912-13, II, p. 107.

2. Size, p. 36.

difficulties, the chief problem being the construction of the prison building and the proximity of the convict women, whose penal discipline the Borstal girls shared.'

For some years - conscious of these difficulties - the Commissioners had wished to increase the amount of land available for work at the Borstal Institution. In 1912 the possibility of moving the women convicts from Aylesbury was first mentioned¹ in their Report, and they observed that 'we have been able to secure some land contiguous to the Prison, which, it is hoped in time to utilise for the training of young women in husbandry and gardening - an experiment which has been carried out with great success at the Female Reformatory at Sherburn in the State of Massachusetts.' During this period the girls at Aylesbury were employed in needlework, laundry work, general housework in the officers' quarters, and cooking, as well as gardening.² All newcomers were³ 'in the first instance, sent to the sewing room, where they receive instruction in the rudiments of needlework. They continue this work until they are thoroughly competent to repair their own clothing, and to make undergarments; the majority too, learn to use a sewing-machine. They afterwards pass on to the garden or laundry, then to one of the other varieties of industry.'

Their occupation was generally changed every six months, but when they showed an aptitude for a particular form of work they were allowed to remain until they were proficient, so that they might acquire a skill which would be useful to them on their release. The

1. 1911-12, p. 14.

2. 1912-13, II, p. 107.

3. 1913-14, II, p. 103.

Governor reported that¹ 'by this means, some quite good and expert laundresses, etc., have been turned out, and have had situations found for them by the Borstal Association.' From 1911 trained instructresses were employed for needlework, laundry, housework and cooking,² and in 1914 the increase in the number of inmates³ 'justified the Commissioners in engaging the services of an expert lady gardener to supervise the cultivation of a much larger plot of ground than was before available, and to train some members of the staff in gardening.'

The experiment of employing the girls in out-door work was successful from the start. In answer to criticisms that to teach gardening to Borstal girls, when so few would continue with it after their release, was a waste of time, the Governor of Aylesbury replied at length in his Report in 1914.⁴ 'It appears to me that the open air life produces a very marked improvement in health and physique in those engaged in it. Educationally too, the work is of the very greatest value. Contact with nature, and the observation of great natural forces at work, must widen the girls' outlook on life and act as a healthy mental tonic. There are those, too, who believe that gardening pursuits tend to produce a more equable temper. I am inclined to agree with this view from my own observation...as an educational, and even as a reforming force the garden is indispensable.'

The authorities at Aylesbury found the girls untidy, listless, idle and resentful of their sentences when they arrived at the

1. Ibid, pp. 103-4.

2. 1910-11, p. 30.

3. 1913-14, pp. 19-20.

4. Ibid, II, p. 104.

Institution.¹ After a short time a change was noted in their behaviour, and they appeared to become more active, 'smart in appearance, and zealous in their work.' The Governor regretted, however, that there was always a small insubordinate minority - which was not surprising to him, since the girls were² 'mostly active, restless, and full of life and spirits.' Tiresome difficulties arose during the early years over attempts to enforce complete between the girls and the women of the convict prison. Miss Size describes³ how a Borstal officer, taking a group of girls to work, 'would see a prison officer with a group of convicts coming towards her. The question at issue would be who was to give way. The matter was generally settled by the women, who would face the other way while the girls rushed past them. This created a farcical situation, which never failed to amuse all concerned.' At the end of 1918, the Commissioners reported an added complication.⁴ The administration during the year had been 'seriously handicapped by the number of girls admitted suffering from venereal disease...throwing great strain on the medical department and seriously embarrassing the normal working of the establishment.' As a temporary measure, it was decided that all Borstal girls on conviction should be sent to Holloway to be observed and treated medically, only the healthy cases being despatched to Aylesbury after examination.

Dr. Mary Gordon, writing after her retirement from the position of Lady Inspector of Prisons, expressed her lack of confidence in the

1. 1909-10, II, p. 210.

2. Ibid, II, p. 209.

3. Size, p. 44.

4. 1917-18, p. 18.

Borstal system for girls as it existed up to 1922.¹ She considered the standard of work performed in the Institution at Aylesbury to be unnecessarily low, and found the teaching inferior to that of elementary schools. On paper the Borstal system looked 'very well', and expressed 'the admirable intentions of its promoters, which were to combine penal discipline with suitable education, and with special moral influences.' In practice, however, a girl might pass through all the necessary grades, and yet her character be 'no more affected than it might be by her taking a course of comparative anatomy, or an examination in jig-saw puzzles. She may remain a thief, a liar, and a prostitute, at the end of it.... The grade a girl is in, if she behaves well, depends entirely on prison "industry and good conduct", not on her degree of real improvement, real truthworthiness, or real fitness to earn her living honestly. She has no scope for giving evidence of these qualities.' When the convict prison at Aylesbury was closed in 1918 Dr. Selina Fox remained as Governor of the Borstal Institution, and was succeeded by Miss Margaret Arbuthnot, who retired in 1923. In that year a new enlightenment came to Aylesbury, under the regime of Miss (later Dame) Lillian Barker.

The Modified Borstal System

Before the Prevention of Crime Act became law in 1908 the Prison Commissioners had encouraged the introduction of what came to be known as the 'Modified' Borstal system for young women prisoners in local prisons. In 1906 they mention that those² 'who are eligible for the

1. Gordon, pp. 158-60.

2. 1905-6, pp. 310-1.

treatment are, under the scheme, segregated and exercised in physical drill by a skilled instructor, while they also attend weekly lectures, receive special attention from the chaplains, and have their interests looked after by the lady visitors and by the Discharged Prisoners' Aid Societies.' The Lady Inspector of Prisons published¹ a 'Memorandum respecting the Modified Borstal System for Female Prisoners' in 1910. She stressed the fact that the intention of the system was to profit the less hopeful rather than the more hopeful type of prisoner, and that young women should be chosen for the treatment primarily on the ground that they might benefit from it. Considerations such as their past histories, or what the police thought of them should be disregarded. She stated the aim of the system was² 'to smarten the prisoner physically, pull her together morally, and waken her up mentally, and, in doing this, to render her more amenable to the good influences brought to bear on her in the prison, and to facilitate the work of those who are to help her outside.'

In the same year, the Governor of Holloway described the development of the system in that prison. The age limit for qualification had by this time been raised from 21 to 25, with the intention of removing all young prisoners from the dangers of 'contamination' by the older women. In Holloway the regime was similar to that prevailing at all large local women's prisons. Regular school teaching was given,³ 'and also short addresses, instructive lantern lectures, etc. These prisoners have been

1. 1910-11, Appendix 17.

2. Ibid.

3. 1910-11, II, pp. 65-6.

employed at such useful work as sewing, knitting, laundry work, etc. Some have been employed in the creche, so that they might learn something of the care of children. The sewing instruction has been made more systematic. The physical drill has been continued, and is now being given daily. Most of these prisoners have shown attention and diligence, and those who were here sufficiently long appeared to profit by instruction. The Chaplain and the Lady Visitors have paid great attention to all the cases, and have done what was possible for them on discharge. A great difficulty is that many of them refuse to be helped in any way on leaving here.'

The problems of young women serving sentences of imprisonment continued to cause anxiety to the Commissioners. By 1921, however, it had become obvious that training under a "Modified" Borstal system in prison surroundings could not be a real approximation to Borstal treatment. No satisfactory short-sentence alternative to Borstal had yet been found by the end of this period.

Prison Officers

In 1895, although 50,000 women were committed to prison each year,¹ the Gladstone Committee reported that they did not consider that² the time of a Lady Inspector of Prisons would be 'sufficiently employed.' They considered that 'a Lady Superintendent might be appointed who could not only do the ordinary work of inspection, but who could also be responsible for the general supervision of female prison industry, and for such other duty as the Secretary of State

1. Ruggles-Brise, p. 122.

2. Parl. Papers, 1895, LVI.

might consider it desirable to assign her.' Sir Evelyn Ruggles-Brise, however, held strong views on the¹ 'desirability of employing women for the superintendence and control of female prisoners,' and in 1907 Dr. Mary Gordon was appointed the first Lady Inspector of Prisons. As has been mentioned, Dr. Selina Fox became the first woman Prison Governor in 1916, and by 1921² Lady Justices were being appointed to the Visiting Committees to administer Holloway and other prisons where women were confined.

During this period there was also considerable change in conditions for women who entered the Prison Service as prison officers, or as nurses. Schools of instruction for training female officers had been established at Manchester and Liverpool in 1901.³ In 1911, these two schools were combined,⁴ and moved to Holloway, the Commissioners ruling that in future all women joining the Prison Service should pass through the Holloway Training School.

In 1902-3 the probationary period for women prison officers, which had formerly been four months, was raised to one year.⁵ After 1911 the first four months of this year was spent at Holloway, where probationers were instructed in Swedish drill,⁶ as well as their prison duties, so that they might have the 'opportunity of qualifying to act as drill instructresses to young or selected prisoners.' The Medical Officer at Holloway, in 1913,⁷ remarked that the health of the probationers was greatly improved by the Swedish drill. By this

1. Ruggles-Brise, p. 122.

2. 1920-1 - Parl. Papers, 1921, XVI - p. 26.

3. 1900-1, p. 270.

4. 1910-11, p. 30.

5. 1902-3, p. 32.

6. 1910-11, p. 30.

7. 1912-13, II, p. 37.

time it had also been arranged that they should spend one month of the four in 'hospital training of a practical nature.' The Medical Officer considered that 'from the variety of work obtainable here, this must prove of considerable value to them in their subsequent careers in the service.'

The system of grading Warders, which had prevailed at convict prisons, was extended to local prisons by 1911.¹ It had been felt for some time that the method of promotion in local prisons left much to be desired. Two years later, it was decided to change the title of the woman officer in charge of small prisons to Class IV Matron, instead of Warder or Principal Warder.² In this year considerable improvements were made in the quarters provided for women prison officers.

New rates of pay were also introduced in 1918-19,³ which were an improvement on those formerly in operation, but could still not be considered as much encouragement to recruitment. From 1919 Wardresses were able to earn a weekly maximum of 34s. in Grade II, and 40s. in Grade I. Matrons Class II might earn up to 48s., and Class I up to 56s. Women prisoners in the larger prisons - Holloway, Liverpool and Manchester - were to be governed by Lady Superintendents, who might earn 85s. a week, with Chief Warders, as second in command, earning 62s. For pay, the three school-mistresses at Aylesbury were to be counted as Class I Matrons.

The Commissioners' Report for 1920-21⁴ mentions the appointment

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- 1. 1910-11, p. 30.
 - 2. 1912-13, II, p. 31.
 - 3. 1918-19, p. 39.
 - 4. 1920-1, p. 20.

of a Hospital Lady Superintendent to an Advisory Board, set up to consider hospital staff matters. The provision of staff for prison hospitals had been a matter of concern to the Commissioners for some years, and in 1920¹ scales of pay had been laid down for Principal Nurses and Nurses in such hospitals. Before an officer could be appointed to the hospital staff, she had to receive special training in a prison hospital, and her appointment would not be confirmed until she had been pronounced 'fit and efficient.'

Prison Visitors

As has been mentioned, in 1901 an Association of Lady Visitors was formed, under the presidency of the Duchess of Bedford, with the intention of providing a Visitor for every prison in which women were confined, who should be able to assist and advise the prisoners, both in custody and on their release, in close cooperation with the prison authorities. This scheme, which might with less goodwill on all sides have become an embarrassment to the authorities, proved entirely successful, and great credit was due to the Association who selected women to visit the prisons throughout the country.

Lady Visitors were appointed by the Commissioners, with the approval of the Visiting Committee of the prison concerned, and of the prison authorities. During 1902-3 they interviewed 12,693 women,² and the numbers of women who came under their care rose with each year. Some Visitors gave lectures in Holloway, before any system of paid lectures or entertainments was introduced;

1. 1919-20 - Parl. Papers, 1920, XXIII - p. 34.

2. 1902-3, p. 51.

appreciations of their work for the prisoners' welfare are recorded in the Reports of the Prison Commissioners each year. Apart from the thanks expressed in these Reports, the work of the Visitors received little publicity. As Dr. Mary Gordon remarked in 1913,¹ 'the work of these ladies is admirable, but they do it so quietly that the great value of their assistance is hardly generally known.'

Probation

The partiality for short sentences of courts throughout England and Wales continually impeded the efforts of the Commissioners to clear out of the prisons the drunkards, prostitutes, vagrants and feeble-minded women, who passed through in endless procession. The Report for 1912-13² expressed the view 'that between thirty and forty thousand of all ages pass annually through our Prisons, and that of these more than 12,000 have been convicted over 6 times, and more than 5,000 20 times, is an appalling fact that reflects on our social system, and one which we consider the legislature ought to take note of.' The Chaplain of Holloway,³ in the same year, found 'many women who regard Holloway as a lodging-house offering privileges far superior to any obtainable elsewhere. These recidivists return with cheerful alacrity to do their seven or fourteen days' sentence, frequently remarking, if they happen to have been free for a few weeks, "I feel quite a stranger." The Probation of Offenders Act might, with advantage, be employed more frequently. Our workers here feel very strongly on this subject.'

1. 1912-13, p. 36.

2. Ibid, pp. 19-20.

3. Ibid, II, p. 38.

The Probation of Offenders Act¹ had been passed in 1907. It gave powers to Courts of Summary Jurisdiction, when they considered charges against an offender to be proved, to either dismiss the charges altogether, or put the offender on probation for a period not exceeding three years, if they were² 'of opinion that, having regard to the character, antecedents, age, health or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation.' Formal rules were laid down for supervision, visits and reports by Probation Officers, but the appointment of such officers, although recommended to all courts, was not made compulsory, except in London, where they were appointed by the Home Secretary.

Although Ruggles-Brise maintained that the appointment of at least one paid Probation Officer at every court should now³ 'be regarded as indispensable for the proper administration of justice,' the expansion of the Probation system proceeded slowly, and courts throughout the country varied considerably in their practical application of the Probation Acts. In 1909 a Departmental Committee reported⁴ that probation had already achieved valuable results and might 'become in the future a most useful factor in our penal law,' but a year later the Commissioners were still complaining⁵ that little

1. 7 Edw. 7 c. 17.

2. S. 1(1).

3. Ruggles-Brise, p. 109.

4. Report of Departmental Cttee. on the Probation of Offenders Act, 1907 - Parl. Papers, 1910, XLV.

5. 1909-10, p. 20.

use was made of the Act. In 1911, however, they appeared to be more encouraged by the use made by magistrates of the powers conferred upon them,¹ and in 1912 the National Association of Probation Officers - recommended by the Departmental Committee in 1909 - was formed. The increased use of probation as an alternative to short sentences, undoubtedly contributed to the fact that the average length of sentence for women in prison increased from 26.3 days in 1908 to 46.4 days in 1918.²

By the end of this period, however, there was an obvious need for more State control of probation. Probation was still viewed with suspicion as a sign of weakness by many magistrates. Ruggles-Brise considered³ that only by direct control and supervision by the State could the system work effectively, and with justice for all, 'not with the idea of hindering or impeding voluntary effort by official interference, but by securing that each Court shall have its proper equipment for this purpose, and that, in every case where there is a transgression of the conditions of Probation, there shall be, without fail, an immediate report to the Court entailing an effective punishment of the offender who has refused to profit by the clemency extended to him under the Probation Act.... In this way only, can an answer be made to any criticism by the many persons who have attempted, by their experience in individual cases, to suggest that Probation may be merely a mask for impunity.'

1. 1910-11, p. 28.

2. 1917-18, p. 6.

3. Ruggles-Brise, p. 113.

After-Care

The work performed by the Lady Visitors for the welfare of prisoners while they were actually in prison was certainly of 'great value,' but even more important was the help given after their release. Such work with women prisoners of all ages was often bound to be discouraging, and the Reports contain many observations similar to that of the Chaplain in 1904,¹ that 'the lady visitors have performed their kind and voluntary duties with regularity and perseverance in the face of much discouragement, arising from the waywardness of many whom they sought to help.' The women and girls were only too frequently² 'most reluctant to take the means recommended for their restoration,' and were unwilling to enter Homes and institutions, even when promised 'the kindest treatment.' In 1909 the Chaplain of Holloway's Report³ confessed that 'the work among young girls is difficult. The discipline of a home is essential to the reformation of character; but in spite of 872 having entered various homes and refuges, including the Church Army and the Salvation Army, a large number decline to abandon a life of vice in favour of the necessary restraint of a home. It would be a distinct advantage if girls under 21 could be committed to a home by the magistrate, when reason points out the necessity of such a course. It is quite heart-breaking to see young, but depraved girls rapidly becoming "habituals," encouraged by disreputable women who too often waylay them at the prison gate.'

1. 1903-4, p. 336.

2. 1902-3, p. 343.

3. 1908-9, II, p. 71.

Ten years later the Chaplain of Liverpool Prison reported¹ that he found the Church Army Home at Bootle an invaluable help. With its aid the women were offered 'an easy introduction to work free from irksome discipline which they would resent, and involving no obligation to stay for a long period. The Discharged Prisoners' Aid Society pays for their board and lodging there for a week or more, during which time they can seek work outside the Home.'

The work of Discharged Prisoners' Aid Societies had been examined by the Gladstone Committee in 1894, who recommended that there should be an inquiry into the working and methods of all such Societies.² After the report of this inquiry, a circular was issued in 1897, prescribing Rules for their regulation. The Governor and Chaplain of each prison should be members of the Committee of the Society concerned with their prison, and a sub-committee of ladies should be appointed for the assistance of the female prisoners. The Societies were to appoint agents for all cases, and to make contact with any Homes or Institutions for men and women that existed in their district. They were to take charge of and disburse all prisoners' gratuities.

In spite of the greater uniformity achieved by these Rules, Ruggles-Brise was not content with the administration of the Societies, and his proposals for their reform were eventually approved by Parliament in 1913.³ Gratuities were abolished, and a government grant of money was placed at the disposal of the Societies, 'at a rate corresponding to the number of prisoners discharged from each prison.' The conditions attached to this grant of money were

1. 1918-19, p. 21.

2. Parl. Papers, 1897, XL.

3. Ruggles-Brise, pp. 175-8.

principally that every Discharged Prisoners' Aid Society must receive a Certificate from the Commissioners that it was efficiently organised, and that a local annual subscription, equal to half the amount of the government grant, should be raised by the Societies. These Rules referred to local prisons, and the system of giving the Societies greater responsibility, and allowing them more scope for the exercise of their discretion than under the gratuity system, seems to have proved successful for the time being. For prisoners discharged after serving sentences of penal servitude, however, the Commissioners felt that the responsibility should be taken by the State, and not left to a large number of voluntary societies, working independently of each other. In 1910 the Central Association for the Aid of Discharged Convicts was formed,¹ which undertook² 'to provide in the case of every discharged convict, so that he may not be without the necessaries of life, and a fair prospect of rehabilitation on the day of discharge.' The women's branch of this Association took over the after-care of women convicts at Aylesbury, which up to this time had been administered by the Church Army.

Girls who had been trained in the Borstal Institution at Aylesbury came under the care of a Ladies Committee of the Borstal Association. They were interviewed as to their preference for work, and the circumstances in which they expected to find themselves, before their release; and in a large number of cases work was waiting for them on their discharge. An agent of the Borstal Association, known as an 'Associate', was placed in charge of each case, to give advice and help whenever needed.

1. 1910-11, pp. 13-15..

2. Ruggles-Brise, p. 174.

Chapter 15

PRISONS IN ENGLAND AND WALES: 1921 - 1958

PART I - GENERAL DEVELOPMENT OF PRISON CONDITIONS FOR WOMEN

In 1921 Sir Evelyn Ruggles-Brise resigned, and Sir Maurice Waller became Chairman of the Prison Commission, which included among its members Sir Alexander Paterson, one of the most enlightened penal administrators of all time. The new Commissioners began at once to introduce a programme of reform which was both imaginative and enterprising. They followed the principle, expressed in the Report for 1925-6,¹ that 'prisons exist to protect society, and they can only give efficient protection in one of two ways, either (a) by removing the anti-social person from the community altogether or for a very long period; or (b) by bringing about some change in him. Any general application of the first method would not be supported by public opinion. The prison administration must therefore do its utmost to apply the second.'

From their first year of office the Commissioners abolished a number of indignities formerly inflicted on prisoners, which could only hamper any progressive scheme for rehabilitation. The 'convict crop' ceased to be compulsory in 1921,² and in the same year the broad arrow disappeared from prison clothes. In 1922³ regular shaving was introduced for all male prisoners. The Commissioners paid particular attention to prison routine for men. In 1923 they extended the

1. 1925-6 - Parl. Papers, 1927, XII - p. 17.

2. 1921 - Parl. Papers, 1922, Session 2, II - p. 16.

3. 1922-3 - Parl. Papers, 1923, XII, Part II - p. 22.

privilege of dining in association among Star and Second Division prisoners,¹ and abolished the period of solitary confinement at the beginning of all sentences of penal servitude for men. The Report observed wisely that² 'much introspection is probably bad for most people, and especially so for life's failures. Moroseness, rather than repentance, is likely to be the result.' Since the end of the 19th century, the routine of women prisoners had never been as rigid as that imposed on men. A sentence of 'hard labour' or 'penal servitude' had made no difference to a woman's treatment in prison; and privileges such as association and talking during periods of exercise were given to her much more freely than to a man. The antiquated voluminous clothing issued to women prisoners was, however, obviously uncomfortable and unsuitable, and in 1923³ the Commissioners appointed a Committee to recommend changes in style.

These reforms had an immediate effect. In 1925⁴ the Commissioners reported that 'there is a better spirit in the prisoners. The change in the attitude of the authorities towards the prisoners has had its natural effect on that of the prisoners towards the authorities. The prisoner understands that while discipline is fully maintained, he is being subjected to a scheme of training which has been devised for his benefit; and that the Governor and officers with whom he has to deal, though firm in their control, are friends and not enemies.' By 1925 all Star and Second Division prisoners in local prisons were dining in association;⁵ Governors and chaplains

1. 1923-4 - Parl. Papers, 1924-5, XV - p. 20.

2. Ibid, p. 21.

3. Ibid, p. 20.

4. 1924-5 - Parl. Papers, 1926, XV - p. 26.

5. 1925-6, p. 21.

had been authorised to allow voluntary attendance at chapel;¹ and the weekly news reading in prisons had been replaced by a printed news sheet.² Unfortunately - during its early years at any rate - the news sheet was largely devoted to football results and items of interest to men, and supplied little information on topics which were mainly of interest to women.³ Every effort was made, however, - on the pathetically small amount of money provided by the Treasury for this purpose - to provide lectures, concerts and educational classes for women prisoners, so that they might be employed in the evenings outside their cells and in association whenever possible. By 1936⁴ the Commissioners noted that women prisoners were 'at last realising that everyone with whom they come in contact is anxious not to inflict punishment, but to help them to remake their lives and to continue to help them even after they are released.'

The policy of the Commissioners was to close down as many small female wings of local prisons as possible. In 1921 all women prisoners were removed from Ipswich, Oxford, Plymouth, Shrewsbury, Swansea and Carlisle;⁵ and in the following year the women's wing at Bristol was closed.⁶ It was arranged that in future all women sentenced from the Bristol area should go to either Cardiff, Exeter or Birmingham. By the end of 1925 the women's wings at Newcastle, Leeds, Maidstone and Norwich had been closed,⁷ and seven years later a further centralisation was achieved by closing the women's prisons

1. 1922-3, p. 24.

2. 1934 - Parl. Papers, 1935-6, XIV - p. 9.

3. C. McCall - They Always Come Back; London; 1938, pp. 137-8.

4. 1936 - Parl. Papers, 1937-8, XIV - p. 20.

5. 1921, p. 21.

6. 1922-3, p. 17.

7. 1924-5, p. 17.

at Winchester and Liverpool¹ - transferring the prisoners to Manchester and Holloway. Holloway, by this time, had established its position as the largest and most important prison for women in England and Wales. The Commissioners observed that² 'the concentration of the small female population in a few prisons enables overhead charges to be reduced and allows of better arrangements being made for Young Prisoners (male) at Winchester and Liverpool. At the same time it is possible to do more in the way of classification and treatment when women are collected in larger numbers.'

Until 1931 women convicts serving sentences of penal servitude had been confined in Liverpool Prison,³ except for the very few first offenders who had been transferred to Aylesbury in 1925.⁴ The majority of the first offenders were serving sentences of life imprisonment. These 'Star' convicts were confined in the old prison buildings at Aylesbury, and, in theory, kept entirely separate from the girls in the Borstal. In practice, however, there were many contacts between the two groups. The Governor reported in 1926⁵ that the women convicts were 'on the whole, conscientious and trustworthy. As is common with all long-sentence people, they are, of course, subject to attacks of depression and are very introspective, but successful efforts have been made to overcome this by keeping their minds occupied with handwork, educational lectures, gardening and the keeping of live stock.' In 1929⁶ there was a daily average

1. 1932 - Parl. Papers, 1933-4, XV - p. 24.

2. Ibid.

3. 1930 - Parl. Papers, 1931-2, XII - p. 27.

4. 1925-6, pp. 54, 67.

5. Ibid, p. 54.

6. 1929 - Parl. Papers, 1930-1, XVI - pp. 35-6.

of eight convict women at Aylesbury. They were allowed to cook the meals for their group in turn, and when not employed in the kitchen, spent half the day in the garden, the other half in the workroom.

Although the women convicts in Liverpool and Aylesbury had been sentenced to 'penal servitude', as has been mentioned, there was in practice no difference between their treatment in prison and that of women sentenced to simple 'imprisonment.' In 1921,¹ however, the Commissioners had brought in a new stage system for all women serving long sentences of penal servitude and imprisonment. Promotion was based on the number of marks earned. After a prisoner had earned 2,190 marks she might advance from First to Second Stage, where she was allowed to attend concerts and lectures, and have evening recreation in summer - but all without conversation. When the prisoner had earned a further 1,440 marks - or 720, if she was a first offender - she could attend recreation classes on two or three evenings a week; walk or sit in the prison grounds on fine summer evenings; play games such as draughts and dominoes; and attend concerts, lectures and discussions. The Orders laid down that prisoners in the Third Stage 'will be encouraged to contribute, by their own efforts, to the formation of associations or otherwise for the organisation of debates and discussions on approved subjects; or they may co-operate with the officers of the prison in organising musical entertainments.' In the Third Stage women also began to earn marks towards the remission of up to one-sixth of their sentence. On earning 6,570 marks prisoners were eligible for the Special Stage, but were only promoted after their 'antecedents' and 'general conduct

1. 1921, pp. 75-7.

and demeanour in prison' had been considered. Subject to the Governor's discretion they were allowed to associate and to converse at exercise, at meals, and during the evening's recreation. They might earn small sums as a gratuity - calculated on the number of marks earned - and could spend this money on 'comforts', such as newspapers, tea or sugar. They were also allowed to make their own tea at supper, and while at association in the evenings. In 1932¹ the Commissioners added a Fifth Stage, for all prisoners with sentences of more than twelve months, provided they had been of good behaviour for the previous three months, before promotion to this stage. Fifth Stage prisoners were to be allowed an hour's recreation on Sunday evenings, and provided with a room in which they could 'see good illustrated papers and do fancy work or play games.' The Annual Report for this year noted that the experiment had worked well. There had been only one report for misbehaviour and the privileges had been much appreciated.

In 1934² the Commissioners 'felt that it would be useful if their staff were strengthened by the addition of a woman Assistant Commissioner, who would be able to pay special attention to women's problems.' Miss Lilian Barker - until then Governor of Aylesbury Prison and Borstal - was appointed, and applied herself with vigour and enlightenment to the administration of the women's prisons until her retirement in 1943. She continued to act as Director of the Aylesbury Association for the after-care of convict women and Borstal girls throughout this period, and kept the Prison Commission and the

1. 1932, p. 48.

2. 1934, p. 43.

public aware of the particular problems which faced women and girls both in prison and on their release. After her death in 1955, the Commissioners observed in their Report that¹ 'probably few women have exercised so enduring an influence for good on so wide a cross-section of society. No one who met Dame Lilian ever forgot the impression made immediately of wisdom and kindness allied with tremendous vitality and humour.'

The Commissioners introduced a number of reforms during the years from 1935 to 1937, which improved conditions generally in prisons throughout the country. By 1935 nearly all prisons had electric light, instead of the old gas lamps. The bulbs installed in the cells were, however, only 15 watts, which provided a light calculated to strain the eyes of any prisoner who wished to read after dark. In 1936² these bulbs were replaced in Holloway by 25 watt lamps; still too small, but an improvement on the former dim light. The Report for 1936³ mentions that prisons were now being painted yellow and light green, instead of the old colour scheme of grey and chocolate. An attempt was also being made to brighten up the old prison chapels. The Chapel at Holloway was entirely refurnished and redecorated, and a new and beautiful Roman Catholic Chapel was built in the grounds. The Commissioners reported that educational classes were making increasing use of films and wireless,⁴ and that these were also being used during recreational periods. Perhaps the most important innovation was, however, the introduction of a new

1. 1955-6, Cmnd. 10 - p. 4.

2. 1936, p. 39.

3. Ibid, pp. 41, 19.

4. Ibid, p. 42.

earnings scheme. This scheme had been started in 1929,¹ and gradually extended to all prisons and Borstals. It proved a great encouragement to both men and women prisoners and will be discussed in more detail under the heading 'Labour and Training in Women's Prisons.'

In 1937 the women's wing of Hull prison was closed, and the prisoners sent to either Manchester or Durham.² There were now only six prisons for women, Holloway, Manchester, Durham, Birmingham, Cardiff and Exeter, and the women's wings contained very few prisoners except at Manchester and Holloway. Holloway remained the main prison for women, and had as Deputy Governor Miss Mary Size, one of the most successful woman Governors of her time. Joan Henry, speaking as a prisoner, described her aptly as³ 'a mixture of discipline and humanity.' On her retirement in 1952, the Commissioners observed that her contribution to the Prison service had been⁴ 'an outstanding one, and many generations of women prisoners have cause to remember her with gratitude.' A sincerely religious woman, Miss Size's understanding of the needs, problems and frailties of the prisoners under her care enabled her to initiate countless small reforms of routine and treatment during her periods of office as woman Governor of Liverpool, Holloway and eventually of Askham Grange.

Considerable improvements were made in the routine and in the methods of classification in Holloway, after Miss Size became Deputy

1. 1929, p. 23.

2. 1936, p. 19.

3. J. Henry - *Who Lie in Gael*; London; 1952, p. 186.

4. 1952 - *Parl. Papers*, 1952-3, XVI - p. 42.

Governor of the Prison in 1927. The Commissioners considered that the young prisoners should be more effectively segregated from the older women, and in 1936,¹ after structural alterations to 'F' Wing had been completed, the young prisoners were moved into the Wing to form a separate unit, with special opportunities for 'training'. Miss Size described how² 'cells which at some time had been used as punishment cells, and others that had been used for epileptics, were converted into a good dining and recreation room, and a kitchen. Bathrooms and toilets were installed, the visiting boxes were removed and the space which they occupied converted into an office. When all this work was completed the girls were moved from the Star Wing into this modernised division, where they were completely cut off from the remainder of the prison.' It appears, however, that the ventilation in this formerly disused part of the prison left much to be desired. Cicely McCall³ observed that 'the cells in which the young prisoners have to spend the greater part of their time in prison, although newly painted and whitewashed, are the old type with two rows of square panes, not three. The regulation two panes slide to one side. The desirability of better ventilation, particularly in the case of these adolescent girls, was pointed out by the prison authorities. But the Home Office did not think any alteration was necessary.'

These descriptions, with the following one, also written by Miss Size, give some idea of the difficulties which faced the Commissioners in their endeavours to improve conditions at Holloway. Miss Size

1. 1936, p. 19.

2. M. Size - Prisons I have Known; London; 1957, p. 105.

3. McCall, pp. 25-6.

described the prison as it was when she arrived in 1927.¹ 'The century-old walled prison, the facade of which is supposed to have been modelled on Warwick Castle, was said when built to represent the last word in modern prison design. With its tiered corridors of cells radiating from a centre, it accommodated the different categories of prisoners and allowed them to be kept apart, each having its own wing and its own space for exercise. This grim building had accommodation for a thousand women, but, as its population varied between 300 and 450 women there was a considerable number of empty cells. One wing had not been in use for several years and the top floor of most of the other were also unused.' As well as the Wing for young offenders, there were separate Wings for women serving sentences of preventive detention, for recidivist prisoners, and for first offenders; but in such unpromising surroundings, although types of prisoners might be separated, there was little opportunity to produce different methods of training to suit their particular need, except in the case of the young prisoners. For them special courses in domestic training were organised, and they received educational classes on three days a week.²

By 1937³ the Commissioners had become convinced that Holloway should be abandoned. They proposed to close Aylesbury Prison and Borstal Institution at the same time, and to build prison colonies for women and girls on a site in the country near London. At this time the Commissioners considered that, if the two colonies could be built on adjoining, although separate, sites, it would be possible to

1. Size, p. 91.

2. Ibid, pp. 105-6.

3. 1937 - Parl. Papers, 1937-8, XIV - p. 31.

administer them efficiently and economically. The outbreak of War in 1939, however, prevented these plans being put into operation, and it was not, in fact, until nearly twenty years later that at last there seemed hope of closing Holloway for ever as a prison for women.

On the outbreak of War the Commissioners decided to discharge immediately all prisoners having less than three months of their sentence still to serve. Miss Size described the discharge of these prisoners from Holloway on September 2nd and 3rd, 1939.¹ 'There was neither commotion nor hysteria; everything was done in an orderly manner, although it meant that there was an exodus of approximately two-thirds of the population. Naturally, the anxiety and worry of those who remained could not be concealed.' On September 4th, Miss Size and part of the Holloway prison staff, including two nursing sisters, accompanied about seventy women prisoners down to the prison at Aylesbury. They occupied the quarters vacated by Borstal girls given an early discharge, and left behind at Holloway only prisoners on remand and awaiting trial, and a few convicted prisoners to carry out the domestic work of the prison.

Conditions for the staff and prisoners at Aylesbury were restricted and antiquated. Neither adequate lighting nor heating was available in the old prison, and the Commissioners agreed to install electricity in the building.² An electrician worked with the women prisoners, replacing the gas lighting with electricity, and modernising the heating of the prison. The whole building was also painted and decorated by the prisoners. Outside their normal daily routine the

1. Size, p. 129.

2. Ibid, pp. 130-1, 135-7.

women knitted comforts for the Forces, and helped the W.V.S. to alter clothes for evacuees. The workroom received orders for equipment for the Services; and those prisoners employed in the garden cultivated every foot available to grow food for the Institution. Only on one occasion did bombs fall near the prison.

Holloway also suffered little damage from bombing. Two bombs fell on the prison in October, 1940, but without inflicting any serious damage or casualties; and in May, 1941, a small amount of damage was caused by incendiaries.¹ The Commissioners reported² that 'only at Liverpool, after days of great ordeal, did the prisoners show signs of the strain being too much for them, except that at both Holloway and Liverpool the Governors reported that certain 18B detainees had formed an unwelcome exception to the general rule.' During the summer of 1940, batches of women interned under the emergency regulations arrived at the prison at all hours of day and night. Between May and July the number of prisoners confined in Holloway rose from under 300 to over 800.³ The prison became overcrowded, and the difficult and unruly behaviour of many of the women prisoners placed a considerable strain on the staff.

In 1942 Miss Size retired because of ill-health. Most of the women prisoners returned to Holloway during this year, to make room for Borstal girls.⁴ A few first offenders, sentenced to long terms of imprisonment, remained at Aylesbury. The Commissioners issued no special directions during the rocket attacks after 1944,⁵ except to

1. 1939-41 - Parl. Papers, 1945-6, XIV - p. 12.

2. Ibid, p. 14.

3. Ibid, p. 9.

4. Ibid, p. 52.

5. 1942-44 - Parl. Papers, 1946-7, XIV - p. 6.

make attendance at all chapel services voluntary, and to order all pregnant and nursing women to be removed from Holloway to Aylesbury. In 1943 Miss Barker had retired from the Prison Commission and Miss Molly Mellanby - Governor of Aylesbury since 1934 - had been appointed an Assistant Commissioner in her place. The year before, in 1942, Sir Lionel Fox had become Chairman of the Prison Commission. The rapid progress in the administration of women's prisons in England and Wales after the War was due to the enlightened policy initiated by Sir Lionel Fox and Miss Mellanby, who chose and encouraged a number of particularly capable and enterprising women Governors of prisons and Borstals. Miss Mellanby was the first woman to be a full member of the Prisons Board. On her retirement in 1959 the Commissioners reported that this appointment¹ 'was a highly successful one, and she made her influence felt throughout the Service, which will long remember her outstanding ability, energy, and charm.'

In spite of war-time restrictions, the Prison Commissioners pressed on with their schemes to improve conditions for prisoners. In 1942 conversation while at exercise was allowed in all prisons; and the Commissioners made changes in the stage system, and in the system of classification of prisoners. The Report for 1942-44² - published after the War - stated their belief that 'provided proper care was exercised in selecting the Ordinaries for training, classification need not be dominated by the bogey of contamination; on the contrary, it was more likely that the majority of decent men would influence the minority for good than the other way round.' In the

1. 1959 - 1960 Cmd. 1117 - p. 1.

2. 1942-44 - Parl. Papers, 1946-7, XIV - p. 33.

same Report the Commissioners expressed the principles lying behind changes made in the stage system:¹ 'first, that in so far as the stage privileges are valuable for training, the sooner a prisoner profits by them the better; second, that in so far as they are intended to assist discipline, a prisoner is more likely to be affected by the loss of something he is actually enjoying than by the postponement of something he hopes to enjoy in the future.' For example, the use of library books had been entirely divorced from the stage system, since the Commissioners wished to encourage rather than to restrict reading. The Commissioners also appointed a Committee² to re-consider prisoners' clothing, since 'with the present style of prison clothing no great success is to be expected in getting men or women to take any pride in a good appearance.' The Report for 1942-44, however, recalled former plans for reform, which might have been carried out had War not broken out in 1939. It noted that³ 'the land purchased as a site for a Women's Prison and Girls' Borstal Institution has been let on a yearly tenancy as an agricultural holding.'

Although war had prevented the building of a new women's prison outside London, the Commissioners were still very much aware of the unsatisfactory conditions at Holloway and Aylesbury. The Report for 1945 carried⁴ 'proposals for the development of the Prison System for adults during the immediate post-war years.' It noted that the increase in the female population of prisons had been proportionally

1. Ibid, p. 34.

2. Ibid, p. 35.

3. Ibid, p. 73.

4. 1945 - Parl. Papers, 1946-7, XIV - pp. 64-75.

much greater than in the male population, and suggested certain causes for this rise. More women seemed to have been imprisoned for four main classes of offence, shop-lifting, neglect of children, brothel-keeping and cognate offences, and industrial absenteeism. The Report expressed the hope that 'with a return to more normal conditions we may expect to see a return to something like ^{the} pre-war level.'

Even though the female prison population was expected to decline, the Commissioners recognised the pressing need for reforms to improve conditions for those women prisoners who would remain. Twenty years had passed since Ruggles-Brise had deplored the lack of attention paid to the special problems of women prisoners.¹ In 1945, however, 'save for the sex and clothing of prisoners and staff it would not be easy for an unskilled observer to distinguish any difference between a men's prison and a women's prison.'² The Commissioners, therefore, proposed to concentrate women serving long sentences of imprisonment in 'two or three small establishments specially designed for the accommodation and training of women.' These prisons would each contain about 100 women, and would be 'minimum security' buildings, 'designed on home-cottage lines around an administrative centre, with plenty of open space for market gardening, etc.' The Commissioners hoped later to provide a third prison for long-sentence recidivist women. These small prisons would take the place of the large prison formerly proposed to replace Holloway. The Commissioners had now come to the conclusion that a large prison was not suitable for

1. Ruggles-Brise, p. 116.

2. 1945, p. 72.

training women prisoners; nor were they in favour of 'camps' for adult women. They stressed the need for the new prisons to be 'within easy reach of a good town, not only on account of teachers and visitors for the prisoners, but in order to provide the necessary amenities for the staff. If we are to attract and keep lively and enterprising young women, we cannot expect them to live in a convent.'

By 1951 - when Miss Mellanby became a full member of the Prison Commission - some of these plans had been put into practice. The Commissioners, considering rightly that adult women should, if possible, have separate rooms, searched in vain for suitable premises which might be adapted for a training prison. Eventually it became clear¹ 'that the large country house, offering dormitory accommodation in rooms of various sizes, was the only type of building likely to be available;' and rather than wait indefinitely for a building which was entirely suitable for their needs the Commissioners took a lease of Askham Grange, a country house near York. They persuaded Miss Size to return to the Prison service, 'to inaugurate a new form of training very much after her own heart. A staff of volunteers picked for their suitability for the work was detailed to join her.'

The Commissioners deliberately left the organisation of the new prison to the pioneer party of staff and prisoners, realising the sense of achievement which accompanies creation of order from chaos, and the importance of such a sense as the foundation for a new institution of this kind.

Miss Size's own description of the first day at Askham Grange

1. 1946 - Parl. Papers, 1947-8, XV - p. 33.

conveys a vivid picture of the problems of starting an 'open' prison, of her own personality, and of the necessity for placing someone with enterprise, understanding and strength of character in charge of all such experiments. On January 9th, 1947,¹ the 'first contingent of three prisoners and two officers arrived. The door bell, and indeed all the bells in the house, were out of order. The officers and women walked in through the open door, and wandered about until they found me. I was busy washing crockery in readiness for a meal when they eventually arrived at the kitchen door.' After the meal, 'we began to put our plans for the remainder of the day into action. The women and I went out to collect some sticks in the woodland, and managed to get a few logs and some kindling to make a fire in their dormitory. There was no central heating in their wing of the house. The women cleaned their room thoroughly after the fire was lighted, and, when the floor was dry, they collected their bedding which had been placed on the radiators in the billiard-room the day before to make sure that it was not damp.... The Governor of Wakefield Prison had sent food rations for the women. The officers and I pooled the rations we had brought with us, and we managed to provide meals until we could make other arrangements. We were able to buy bread and some rationed food at the village shop and a farmer's wife supplied us with milk.... At ten o'clock that night I visited the women in their dormitory. They were sitting round a bright warm fire, sipping cocoa and discussing the new condition in which they found themselves.... I sat down and talked with them for a little while, and then wished them "Good-night," and closed the door as I left. I had walked some

1. Size, pp. 145-6.

distance along the corridor leading to my bedroom when I heard the patter of feet. Looking round, I saw one of the women who exclaimed excitedly: "Madam, you have forgotten to lock us in." I returned to the dormitory with her and pointed out to the three women that they would not be locked in their rooms at any time, day or night. Our plan was to live together as a family and behave in every way as a decent family should.'

Until her retirement in 1951 Miss Size remained as Governor of Askham Grange, and was ably succeeded in that year by Mrs. Joanna Kelley. The experiment of this first training prison was entirely successful. Askham Grange normally took first offenders between 25 and 50 years of age, with at least six months of their sentence left to serve. Many exceptions were made, however, to this rule. In 1948,¹ among the sixty women in the open prison were several women under 25, and the Commissioners reported in 1949² that the mixture of ages seemed to have had a 'stabilising effect'. After the introduction of 'corrective training' in 1948, a number of women sentenced to such training, but considered suitable for open conditions, were sent to Askham. At first the women found it difficult to settle down, and their presence was resented by the other 'Star' prisoners. In time, however, the mixing of first offenders with recidivists was achieved satisfactorily³ and Mrs. Kelley, writing in 1955,⁴ considered that, because of their difference in attitude to prison life and to the prison staff, each group 'has a good deal to give to the other.'

1. 1948 - Parl. Papers, 1948-9, XX - p. 28.

2. 1949 - Parl. Papers, 1950-1, XVIII - p. 33.

3. 1950 - Parl. Papers, 1950-1, XVIII - pp. 41-2.

4. J. Kelley - Askham Grange - Open Prison for Women; Howard Jour., 1955, IX, No. 2, p. 129.

She stressed, however, that the selection of recidivist women must be very carefully made.¹

Even among first offenders, not all women found it easy or possible to settle into the programme of training provided at Askham Grange. The 1953² Report noted that some women had failed to settle after transfer 'for a variety of reasons. Some become depressed because they have fewer visits; some prefer the privacy of the closed prison to the gregarious life of a small open community; and some resent the harder work and greater range of activities made possible in such a community. Many of these slow starters adapt themselves eventually, but there must always be the closed prison in the background for those without the will or the capacity to meet the demands made on them in open conditions.'

The large majority of women sent to Askham Grange, however, settled down and profited greatly by the variety of training provided in the open prison.³ As well as the main domestic training scheme, there was ample outdoor work in the grounds of the prison, and on farms outside during the fruit and potato picking seasons. Through the efforts of Miss Size, and later Mrs. Kelley, and their staff, excellent relations were established with the village and neighbourhood, who came to all the social activities of the prison. A number of prisoners became members of the choir at the village church; and the Prison Visitors at Askham were drawn from ladies who lived in the neighbourhood. In 1955 Mrs. Kelley described the course of domestic

1. Ibid, p. 130.

2. 1953 - Parl. Papers, 1953-4, XVIII - p. 37.

3. Size, Ch. 13-15; Kelley, pp. 124-30.

4. Kelley, p. 126.

training given at Askham.¹ Each part of the course, in sewing, laundry-work, house-cleaning and cooking, took eight weeks, except for cooking and kitchen-work, which required about three months. Women with sentences of only six months were not able to complete the full course; others, after completing the training, might still remain at the prison for some time. Whenever possible, these long-term women were given special positions of responsibility, and provided with work which could hold their interest, and develop their initiative and capacity for trust. The results of the training at Askham may be gauged from figures for re-convictions. Between 1951 and 1957,² less than 7% of the 'Star' prisoners discharged from regional training prisons for women had been reconvicted and sentenced to prison.

In 1952 the Commissioners expressed their belief in the reforming effect of training in open conditions. They observed that it was now an accepted fact,³ 'that treatment in open conditions is more likely to lead to the rehabilitation of a prisoner, and therefore to the prevention of crime, than treatment in a prison of the traditional type. The only limitations on placing prisoners in these conditions are, therefore, concerned with their ability to co-operate in a régime of this type and to resist the temptation to escape, and the likelihood of their committing serious offences if they do escape. The open system may be applied equally to prisoners with very long sentences and very short sentences.' In this year another training prison for

1. Kelley, p. 126.

2. 1958 - 1959, Cmnd. 825 - p. 41.

3. 1952, p. 38; see also W.A. Elkin - The English Penal System; Pelican; 1957, pp. 145-6.

women was opened, at Hill Hall in Essex. The Commissioners considered it important to have their second training prison in the South of England, so that women prisoners from this area could be visited more easily by their families,¹ 'a consideration that weighed greatly with transfers to Askham, and often made them unsettled.' It was intended that, in time, Hill Hall should house about 65 Stars and trainable Ordinaries from Holloway.

To establish a second 'training' prison, on the lines of Askham Grange, proved, however, to be very much more difficult than had been expected. Sufficient women, with sentences of more than six months and suitable for training in open conditions, could not be found to produce a settled community. As a result, the numbers at Hill Hall were kept up by sending short-term women 'Star' prisoners from Holloway. The first Governor of Hill Hall, Miss Joan Wilson, and her staff introduced a system of training in the gardens and house at Hill Hall which was, undoubtedly, of great advantage to the prisoners; but as a community these prisoners were not easy to manage. The 1953 Report commented that most of the short-term women² 'have no time to identify themselves with the fortunes of the community and their constant passage through it is unsettling to the women with longer sentences.'

By 1955 it was clear that the falling population in women's prisons throughout the country would not produce enough long-sentence women suitable for open conditions to fill two training prisons. Hill Hall was, therefore, re-classified as a special local prison.³

1. 1952, p. 42; Elkin, pp. 148-9.

2. 1953, p. 37.

3. 1955, p. 66.

It received Star prisoners from Holloway, serving short sentences, who were thought suitable for an open prison, where they might receive a shorter and less thorough training than was provided at Askham. Plenty of outdoor as well as indoor work was provided for the prisoners. Few women, once they had been transferred to Hill Hall, proved unsuitable and had to be returned to Holloway; and there were few escapes from the prison. A Nursing Sister was appointed, and women prisoners, who were pregnant on arrival, were allowed to return to the Hospital at Holloway for the time immediately before and after the birth of their babies, and then brought their babies back to Hill Hall. In 1957, after the death of Miss Wilson, Miss Marguerite Stocker was appointed Governor. By the end of this period Hill Hall had developed a character of its own, and proved its worth as part of the prison system for women in England and Wales.

The Criminal Justice Act, 1948,¹ abolished penal servitude, hard labour and the three Divisions to which prisoners had been sentenced. As a result of this Act, in 1949² the Commissioners announced a complete reorganisation of the stage system. They recognised that some former elements of the system 'are in themselves valuable elements of training or desirable in order to keep a prisoner in touch with his family, and therefore should be available to all prisoners from the beginning.... Such privileges are the use of the library, the use of the educational facilities of the prison, and letters and visits additional to the minimum prescribed by the Statutory Rules; all these, like the earnings scheme, are not divorced from the Stage

1. 11 and 12 Geo. 6 c. 58.

2. 1949, p. 29.

system.' Short-term prisoners were no longer to be part of a 'progressive' stage system. Prisoners were either 'in stage' or 'out of stage', and a short-term prisoner 'out of stage' enjoyed privileges formerly attached to the stage system from the beginning of his sentence. In training prisons all prisoners were 'in stage'. For a prisoner 'in stage' the privileges consisted mainly in opportunities for association, recreation and occupations in his or her cell. Women prisoners were allowed to progress more speedily from stage to stage than men.¹ They could reach the second stage after three months, and were then allowed full association. Fourth stage could be achieved in three years, as compared with four years for men.

Until 1949 the number of letters and visits allowed to women prisoners was strictly limited.² The day after her admission to prison a woman was permitted to send a 'Reception' letter, to which she might receive a reply. No other letters and no visits were allowed during the first month of her sentence. If a woman prisoner were serving a sentence of more than a month, the number of letters and visits she was entitled to depended on the 'stage' she had reached. She might have a letter and a visit once a month as a minimum, or a maximum of two letters and a visit. Prisoners who did not wish to be visited might write an extra letter. Under the new rules which came into effect in 1949³ the former maximum number of two letters and a visit every four weeks became the normal allowance for all first offenders; recidivists waited eight weeks for the first visit, but

1. Ibid, p. 30.

2. For conditions regarding visits before 1949 see 1921, p. 77; McCall, pp. 74-6; Size, pp. 95-6.

3. 1949, p. 30.

could then be visited every four weeks. Governors were also given considerable discretion to allow extra visits and letters, where such privileges were necessary for the prisoner's welfare. During 1956¹ the Commissioners gave permission for prisoners to send an additional letter once a fortnight at their own expense, buying stamps at the prison canteen.

In this year the Commissioners also reported their pleasure at having been able to arrange² 'for all prisoners to have a visit as soon as possible after reception, in addition to the normal allowance.' The Commissioners regretted that it was very difficult to improve conditions for visits in local prisons. 'For most prisoners of the Ordinary class, whose visitors may be concerned as much with passing a hack-saw blade or a packet of tobacco as with preserving family ties, the traditional cubicles must still be used; but 'open' visits across a long table are generally used for others. In other prisons the normal arrangement is a separate small table for each party in a pleasant room, or even out in the grounds, and 1956 saw some extension of this plan to local prisons. In every prison an effort has been made at least to brighten up the visitors' waiting rooms and furnish them suitably.' To be able to meet their visitors under as 'cheerful' and 'normal' conditions as possible is particularly important for women prisoners. There is far less danger of goods being smuggled to women in prison than is the case where men are concerned; while any system of 'open' visiting must avoid excessive noise and allow a degree of privacy. At Askham Grange visits took

1. 1956 - 1957, Cmnd. 322 - p. 30.

2. Ibid.

place in the garden in fine weather, and otherwise in the large hall. Mrs. Kelley observed in 1955¹ that 'it cannot be said that the visits are fully supervised, although an officer is present.' At Hill Hall similar arrangements were made for visiting, and extra time was allowed at both training prisons to visitors who had come a long distance. Indeed women whose relatives lived far away were allowed to have a longer visit every two months, rather than the usual half-hour every month.

After the War the official attitude also became more liberal regarding the number and types of photographs, calendars, etc., with which women prisoners were allowed to decorate their cells, and also regarding the keeping of flowers. Joan Henry described the cell she occupied in Holloway in 1954,² a 'small narrow cell', with a high barred window. 'There was a wooden chair and table, which held a mug, a tiny little jar, a tin plate, and a knife, fork and spoon; made like children's toys, unbreakable and blunt. Above the table hung a small mirror. In the corner of the room was a little wash-stand, with jug, basin, slop-pail, and chamber. The bed was low on the ground, and the mattress was as hard as a board.' (This furniture was, in fact, a great improvement upon that which had existed at Holloway, when Miss Size took over as Deputy Governor in 1929. The women had then slept on wooden bed-boards, and had no mirrors in their cells.³) Long-service prisoners - after a certain period of good behaviour - might reduce the bareness of the cells by the addition of curtains, counterpanes and floor-mats, sent in by

1. Kelley, p. 128.

2. Henry, p. 21.

3. Size, pp. 123-4.

relatives or made by themselves. All prisoners, however, were allowed a certain number of pictures and photographs on their tables, and although theoretically there was a limit to the quantity of these permitted, in practice a certain licence was allowed. The pettifying restrictions of an earlier period experienced by Cicely McCall in 1934 had by 1954 given way to greater common sense and a sense of humour. Describing the practice of permitting a woman prisoner to keep a limited number of photographs in her cell, Cicely McCall observed¹ that a prisoner 'was not, curiously enough, allowed to have photographs of animals. Once a woman was sent a snapshot of a large white horse. On its back was a small speck barely recognisable as a child. The vital question arose - was this a forbidden photograph of an animal with a child, or a permissible photograph of a child with an animal? Unhesitatingly the woman swore that the blurred figure was a dearly loved and very close relative. Horse and rider were accordingly passed by the officials and transferred to an honoured place in her cell.'

From 1951 the Commissioners introduced a number of schemes to help prisoners to readjust themselves to the outside world on their release. In this year first offenders, who had served long sentences, were allowed five days at home towards the end of their sentence,² so that they might deal with any domestic problems, interview prospective employers, and prove themselves responsible. Consultative committees were introduced at women's prisons as well as at men's, and by 1958 both Askham Grange and Hill Hall had appointed such committees.³ The

1. McCall, pp. 80-1.

2. 1951 - Parl. Papers, 1952-3, XVI - p. 37.

3. 1958, p. 28.

Report noted that suggestions made by them 'have usually been reasonable and often helpful, and where they have been less so it has often been possible to make the women appreciate this.' In 1958 the Commissioners also commented on a scheme for allowing women to work outside prison during the last part of their sentences, which had been introduced during the year.¹ 'The small number of women suitable to take part in this scheme did not justify the provision of a separate hostel, and in any case the failure of many of the preventive detention women who had gone out to work from Durham suggested that they required careful nursing in the early stages of their modified freedom. Askham Grange has therefore been chosen as the establishment from which the scheme will operate, and the women live as ordinary members of the community when they return from work. It was correctly thought that morale was high enough to withstand the risk of trafficking and of jealousy on the part of those not employed on outside work. It proved to be difficult to find work, but ten women are now employed, and with one exception, all have so far proved satisfactory.'

Two other schemes introduced by the Commissioners during the post-war years must be mentioned. In 1952² it became possible to start a scheme 'which the Commissioners had long been anxious to attempt,' to train women convicted of child neglect. The former officers' quarters of Birmingham Prison were adapted to house twelve women - who should ideally be first offenders, able to settle down to living in hostel rather than prison conditions, and with sentences

1. Ibid.

2. 1952, p. 40.

long enough for them to be adequately trained. An intensive course in home management and child-care was arranged with the help of the Birmingham Education Authority, the Public Health Authority and the Children's Committee. This experiment will be discussed more fully under 'The Prison Population.' A year later, in 1953,¹ to release accommodation for the growing number of men prisoners, the Governor's house at Cardiff Prison was transformed into a small prison for women. This prison had room for 22 women, and was described in the Report as a 'medium security prison with a pleasantly informal atmosphere.' The Report observed that 'as in the open regional prisons, life is a great deal more active and hours of work longer than in a closed prison, and the women cannot escape a feeling of responsibility for what has become a community rather than a collection of isolated individuals.'

Throughout this post-war period, however, the problems associated with Holloway hung over all efforts to improve conditions for women prisoners. Holloway remained the largest prison for women in the country. Despite its depressing surroundings, however, the ability and initiative of its first woman Governor, Dr. Charity Taylor,² succeeded in keeping alive some vitality and in introducing some progressive schemes of training, classification and decoration. After 1948 the Prison contained special blocks for women sentenced to corrective training, women sentenced to preventive detention, remand prisoners, long-term prisoners, young prisoners, short-term recidivist

1. 1953, p. 34.

2. Now Lady Taylor, Assistant Commissioner and in charge of women's prisons and Borstals in succession to Miss Mellanby, who retired in 1959.

women, 'Stars', and also a Hospital, a Psychiatric Centre, and, until 1950, a Recall Centre for Borstal girls whose licences had been revoked. These various aspects of life in Holloway are discussed in detail under the appropriate headings.

Chapter 16

PRISONS IN ENGLAND AND WALES: 1921 - 1958

PART II - THE PRISON POPULATION, AND PRISON DISCIPLINE

A remarkable reduction in the number of women committed to prison is apparent between the years 1921 and 1958. In 1913, 33,414 women had been received into prison on conviction; by 1921 this figure had been reduced to 11,340.¹ The Report for 1929 suggested that this decrease was not because women were committing fewer indictable offences, but rather because such offences were being dealt with by other methods than imprisonment.² There were also signs of a decrease in many non-indictable offences, and more time was being allowed for women to pay fines, as an alternative to imprisonment. In general, the Commissioners considered that one of the main reasons for the decline in the prison population was 'the improvement in social conditions and social behaviour.'

The decline in the number of women prisoners continued up to the outbreak of War in 1939. In 1926, 8,012 women were received into prison on conviction; in 1936, only 3,869.³ The War years brought a temporary increase in the female prison population, which rose to an annual average of 5,033 receptions during the years from 1941 to 1945.⁴ The Commissioners observed in 1945⁵ that reports from Governors of women's prisons suggested 'increases in four main classes

1. 1936, p. 18.

2. 1929, pp. 13-14.

3. 1936, p. 18.

4. 1958, p. 15.

5. 1945, p. 71.

of offences, viz. shop-lifting - possibly a reflection of clothes rationing; neglect of children - the broken home; brothel-keeping and cognate offences - the 'armed-camp' atmosphere; and industrial absenteeism.' 'If this be so,' they observed, 'with a return to more normal conditions we may expect to see a return to something like the pre-war level.' By 1949 the expected decline was visible in the yearly figure for receptions on conviction, which had sunk to 2,901. Until the end of the period there was little variation in this figure. It rose to 3,702 in 1953, was down to 2,882 in 1956, but showed signs of rising again in 1958, when the figure was 3,207.¹ In this year, 773 women were imprisoned for larceny, 212 for fraud and false pretences, 361 for offences against the Intoxicating Liquor Laws, 365 for offences in relation to prostitution, and 86 for cruelty to children.²

In 1938,³ 95.1% of women prisoners had received sentences of six months or less. By 1958⁴ this figure had only been reduced to 85%, and 68.3% of the total female prison population were still serving sentences of three months or less. The Commissioners, in 1921, had remarked on the grave problems raised by the large number of short-sentence prisoners.⁵ 'The short sentence remains a standing difficulty,' they observed. 'These prisoners in every local prison are a constant impediment to the adoption of new schemes for education, training and progressive treatment generally. They can only be employed on the poorest of the industries, and so derive no benefit

1. 1958, p. 15.

2. Ibid, pp. 174-5.

3. Ibid, p. 22.

4. Ibid.

5. 1921, p. 9.

from their brief sojourn in the prison beyond a bath, and, perhaps, a little medical attention. The deterrent effect of prison, which is strong before the first admission, disappears with familiarity; and we believe the normal result of the short sentence to be that the prisoner leaves prison with less fear of breaking the law than he had before.' Throughout this period, from 1921 to 1958, the female prison population contained a much higher proportion of short-term prisoners than the male. The Annual Reports continually deplored a sentencing policy which filled the prisons with women confined for a few weeks, and impossible to fit into any scheme of training. 'Short sentences of imprisonment,' they noted in 1927,¹ 'can have no reformatory effect; and for women whose offences - such as drunkenness, brawling and prostitution - indicate that they have little sense of self-respect, the deterrent effect of a sentence of imprisonment is small.' Sir Lionel Fox summed up the situation in 1952.² 'Short-sentence men and women,' he wrote, 'represent a dreary stage army of "ins-and-outs" to whom these periodic visits to prison are no more than an accepted if unwelcome risk of the trade; they clog the efficiency of the prison system, add greatly to its cost, and distract it most wastefully from its proper function, which is the protection of society against crime: in the 14 day and under cases, they reduce the prison to the status of a cleansing centre.'

Perhaps the most difficult section of the women prisoners serving short sentences were those convicted of offences against the Intoxica-

1. 1927 - Parl. Papers, 1928-9, IX - p. 14.

2. Fox, p. 114.

ting Liquor Laws. In 1927¹ the Medical Officer at Holloway quoted two cases of women he had dealt with during the year. One woman of 29 had 11 convictions for drunkenness during 1927, and spent 318 days of the year in prison; another, aged 45, had 17 convictions, and spent 313 days in prison. In 1931² the Commissioners acknowledged that 'the very high percentage of recidivism among this little group of women has long been recognised as an evil with which the Prison Authorities are powerless to cope. A woman is seldom committed to prison on a conviction of being drunk and disorderly until she is confirmed in the habit of inebriety. In the early stage of the habit she will probably avoid street offences, and on the first few occasions on which she appears in Court fines may be imposed and paid. Generally speaking, it is not until a woman has gone a long way downhill that she comes into prison for this offence, and during the short period she is in the custody of the Prison Authorities there is nothing they can do which is likely to check her inebriate tendencies.' The Commissioners pointed out, however, the remarkable decrease in the number of convictions for drunkenness over the past twenty years. Before 1914, the annual convictions of women for drunkenness had numbered over 35,000, and about 15,000 women were imprisoned for this offence each year. By 1931, convictions had decreased to 7,131, and imprisonments to 2,366.

This steady decrease in sentences for drunkenness continued until 1958. In 1938, 1,543 women were sentenced to prison for this offence, in 1945, 442, and in 1958, 361.³ Throughout this period the

1. 1927, p. 35.

2. 1931 - Parl. Papers, 1932-3, XV - p. 17.

3. 1946, p. 15; 1958, p. 20.

problems of female alcoholics troubled the prison authorities as well as the Commissioners. Large numbers of them were elderly women. In 1921 the Chaplain at Holloway observed,¹ 'it is very sad to see these poor creatures, feeble-minded, alcoholic degenerates, and wholly irresponsible. They are seldom out for more than a few days, and their sentences are mostly under one month. For such persons legislation is urgently needed, not to punish, but to protect.' To this view may be added the Report of the Governor of Holloway in 1926, whose words remained as true in 1958 as when they were written.² 'It is an amazing thing to my mind that a country such as ours should continue to send these wretched alcoholics to prison. These women have not committed any criminal offence, and I may say that if some proper method were devised for dealing with this unfortunate class the greater part of this prison could be closed.'

The problems raised by these women, however, seemed no nearer solution in 1958 than they had been in 1926. The Report of the Committee on Persistent Offenders, in 1932,³ noted that drunkenness accounted for 49% of the women sentenced to imprisonment, but offered no constructive suggestions for dealing with this problem. In 1957 the Advisory Council on the Treatment of Offenders⁴ gave their opinion that it would be unprofitable to revive the Inebriate Acts, and re-establish penal institutions to receive alcoholics. They considered that the success of curative detention in some continental countries was due to the fact that they were dealing 'with a better type of

1. 1921, p. 42.

2. 1925-6, p. 41.

3. Report of the Departmental Cttee. on Persistent Offenders, 1932, Cmd. 4090, p. 38.

4. Alternatives to Short Terms of Imprisonment, H.M.S.O., 1957, p. 11.

alcoholic than the alcoholics in our prisons, who are almost all of poor intelligence.' There would, however, seem a pressing need for greater co-ordination of policy between those concerned with sentencing offenders and the medical authorities, concerned with treatment and research into the causes of alcoholism, so that, after their first few convictions for drunkenness, women could receive adequate opportunities for medical treatment and cure. A policy of probation with compulsory medical treatment provided the only possibility at the present time of reducing the pathetic group of unemployable alcoholic women who thronged the prisons in 1958.

In 1954, for offences against the Intoxicating Liquor Laws less than 7% of the women imprisoned were not known to have previously proved offences.¹ Apart from drunkenness, the tendency towards recidivism of women prisoners was, in fact, slightly less than men. Two sections of recidivist women prisoners should, however, be mentioned. In 1922 the Medical Officer of Holloway expressed anxiety at the large number of elderly unemployable women who had been confined in the prison during the year. They were² 'absolutely unfitted for employment and on release have to face one of two alternatives, the workhouse or another period of imprisonment. The majority openly confess their preference for a penal establishment, and I am convinced that a large number deliberately commit some petty offence which will ensure their return to prison. I am quite sure that a considerable saving might be made if these feeble old people could be held under some medical certificate on an old age pension

1. Ibid, p. 21.

2. 1922-3, p. 58.

list, and boarded out in some home under proper supervision. For these prisoners I have instituted an old age party where they are given bedsteads, where cells are located on the flat, discipline is relaxed, and they are employed on simple light work in the workroom.' The increase in social services and care of the elderly since the end of the War in 1945, reduced considerably the number of elderly women in prison, apart from alcoholics. In 1958, however, 127 women over 60 were received into prison. 46 women were sentenced for forms of larceny and fraud and 62 for offences against the Intoxicating Liquor Laws.¹

The problems of prostitutes returning again and again to prison, on short sentences of imprisonment, showed no comparable signs of solution. In 1921, the Governor of Holloway had expressed his strong opinion² 'that the law dealing with prostitutes should be revised. During the year we have received 1,301 women on conviction for prostitution - most of whom have been previously convicted many times for the same offence. I have no doubt that short sentences are neither punitive nor can such sentences be rendered reformatory. The majority of the women suffer from venereal disease in one of its forms; many are infectious. If it were possible to send such cases to a Home of Detention for two years I am convinced a large reduction in the amount of venereal disease would result, and, in addition, there would be many prostitutes under control who would not be causing public expense by repeated appearance at the Courts.' Severe sentences of imprisonment for prostitution never found favour,

1. 1958, pp. 174-5.

2. 1921, pp. 41-2.

however, in Britain as they had done in the United States. The Courts continued to award short sentences when prostitutes offended against the law - generally as an alternative to a fine. After the War the increase in the number of prostitutes soliciting in the streets of London brought the whole problem of prostitution to the public notice. A Committee was appointed to report on homosexuality and prostitution, and published its findings in 1957. The Committee recommended that it should no longer be necessary to prove 'annoyance' when charging a woman with prostitution.¹ They considered the present maximum fine of 40/- 'quite inadequate', and recommended that the maximum penalty for a first offence should be a fine of ten pounds; for a second offence, twenty-five pounds, and for a third or subsequent offence, three months' imprisonment.² The Committee did not 'deceive' themselves³ 'into thinking that a short term of imprisonment is likely to effect reform where repeated fines have failed. But we believe that the presence of imprisonment as a possible punishment may make the courts anxious to try, and the individual prostitutes more willing to accept the use of probation in suitable cases.... Since, as is at present the case, the alternative to probation is a fine of forty shillings, the prostitute frequently declines even to see the probation officer. This is regrettable, for we feel that many women who have adopted a life of prostitution could be led to renounce it by enquiry into their personal problems and by advice and treatment which the probation service is well equipped to give them.

1. Report of Cttee. on Homosexual Offences and Prostitution, 1957, Cmnd. 247, pp. 86-7.

2. Ibid, p. 92.

3. Ibid, p. 93.

If the alternative to a probation order were not an insignificant fine but the possibility of ultimate imprisonment, it is probable that some of those who now refuse the help of the probation officer would be more ready to respond to the opportunity of probation if it were offered.' These recommendations were embodied in the Street Offences Act, 1959.¹ There were many concerned with penal administration, however, who had grave doubts as to the wisdom of treating the problems of prostitution by increased sentences of imprisonment. As the Committee observed, a sentence of three months could have no reformatory effect. Such a sentence could not give sufficient time for training - in the very few cases when an alternative occupation would be acceptable - nor for adequate medical treatment of venereal disease. The prostitute in prison is a disturbing element in the community, who hinders schemes of training for other prisoners, and cannot be expected to be an improving influence on those confined with her. Whatever solutions are found in the future to her problems, the short sentence is unlikely to be among them.

Among the short-term prisoners who suffered most from contamination, familiarity with prison life and lack of training, were large numbers of young women aged 16 to 21. As the Commissioners remarked in 1921,² it was not desirable 'that persons of this age should be received into prisons for adults at all.' By this time there had been a certain welcome reduction in the number of young women confined in prison. In 1909-10, 1,519 women between 16 and 21 were sentenced to imprisonment. By 1921 this figure had been reduced to

1. 7 and 8 Eliz. 2 c. 57.

2. 1921, p. 11.

629. The situation, however, still remained unsatisfactory. In the Report for 1924-5, the Governor of Holloway observed,¹ 'Some girls were sent to prison who I have no hesitation in saying ought never to have been introduced to our prison system for the offence of which they were found guilty. Quite a number of these were sent for short periods. I quote 2 cases of girls in their 'teens, one sent to prison for 6 days in default of payment of a fine of ten shillings for drunkenness, and the other for ten days in default of the payment of 18s. fine for the same offence. The first named had no previous convictions, the second had been once bound over. No time was allowed for payment in either case.'

During the War years there was a considerable increase in the number of girls aged 16 to 21 sentenced to imprisonment. 578 received sentences of imprisonment in 1943. The Commissioners reported that² 'many had records of numerous previous offences and there can be no doubt that Borstal sentences would have been more appropriate for many of these girls than sentences of imprisonment.' Although there were far too many young women in the prisons throughout the country, unfortunately there were not enough for them to be gathered into a group, and given a special form of training equivalent to the 'separate Centres and brisk tempo',³ introduced for young men. In 1946, however, it was reported⁴ that figures for sleeping-out and offences against police regulations among young women prisoners, which had risen from 6 in 1938 to 66 in 1944, had begun to decline with the

1. 1924-5, p. 45.
 2. 1942-44, p. 30.
 3. 1945, p. 23.
 4. 1946, p. 14.

disappearance of Forces' camps and restricted areas. By 1947 the number of girls sentenced to imprisonment and Borstal training had decreased to 391, 401 less than the figure for 1945.¹

In 1948 the Commissioners again expressed their dissatisfaction with the situation.² 'That 712 youths and 88 girls should be sent to prison for their first proved offence remains deplorable, even though it is an improvement on the figure of 914 youths and 110 girls in 1946. Among the 1,177 youths and 103 girls with more than two previous convictions it is difficult to think that many were not qualified for Borstal training.' In this year the Criminal Justice Act imposed restrictions on the imprisonment of young offenders, and as a result there was a marked fall in the number of young women imprisoned in 1949. The figures continued to fall until 1956, when 84 young women were sent to prison. In 1957, however, there was a noticeable rise, to 102, and an even greater increase in 1958, to 165.³ 94 of these young women had no previous proved offences; 34 of them had more than three. Only 29 out of the 165 were sentenced to more than three months' imprisonment.

Only at Holloway was there any attempt to provide a regime suitable for the training of these young women. In 1936⁴ the young prisoners had been moved into a separate Wing, which had been altered and re-decorated for them. As has been mentioned, special practical and educational classes were arranged for them, and they were kept entirely separate from the other prisoners. After some years it was

1. 1947 - Parl. Papers, 1947-8, XV - p. 30.

2. 1948, p. 22.

3. 1958, p. 54.

4. 1936, p. 19.

found more practicable to divide the first offender from the recidivist young prisoners, and the 'Star' young prisoners were moved into the Wing which housed adult first offenders. This arrangement continued until 1958, when those with previous convictions were moved into the Corrective Training Wing,¹ to form a group with the declining number of women serving sentences of two to four years' corrective training. The 'Star' young prisoners were, in the same year, moved to the new adult 'Star' Wing, created from former officers' quarters. In this Wing - built originally as a hostel and not as a prison - they could enjoy privileges, such as unlocked doors, similar to those provided in the small prison at Cardiff. Any alternative to imprisonment - especially for less than six months - for young women between 16 and 21 was to be welcomed. As the Governor of Holloway pointed out in 1930,² it was futile to give such girls short sentences. 'They treat their sentences more or less as a joke,' he observed, 'and are a demoralising influence while they are here.' In any group of young women serving sentences of imprisonment there would, however, also be found those of milder, but weaker, character. For them too a short sentence would be entirely harmful, accustoming them to prison life and giving opportunities for their indoctrination by those more worldly-wise than themselves.

In 1945 the Commissioners remarked³ that one of the main classes of offence which had increased during the War was child-neglect, due probably to the increase in broken homes. In 1939 there had been

1. 1958, p. 49.

2. 1930, p. 49.

3. 1945, p. 71.

97 cases, in 1945, 531.¹ The Report for 1946² observed that 'the increase in these child neglect figures is not only of social significance but of importance in prison administration also. Special research is being carried on at Holloway into all such cases in order both to provide useful data for preventive work outside and to discover what remedial treatment can be given them in the normally very unsuitable conditions of prison life.' In 1949 the Report³ by Dr. Charity Taylor, Governor of Holloway, on 89 neglectful mothers confined in the prison threw new light on one of the major problems facing those concerned with prison administration during the latter part of this period. As a result the Prison Commissioners introduced, in 1952, an experiment at Birmingham Prison 'in the training of women sentenced for neglect of children.' The Report observed⁴ that 'arrangements were made for an intensive course of training in home management and the care of children. Women were transferred to Birmingham from prisons all over the country. The qualifications are that they should be of the Star class, should be able to fit into a regime in which they live in hostel rather than in prison conditions, and that their sentences should be long enough to enable them to take the course.'

The conclusions drawn by those concerned with this course over the next few years were of considerable interest and value. During 1952 five courses were held, planned to enable the women to compete in their 'ill-equipped homes' on their release. The Commissioners

1. 1946, p. 15.

2. Ibid.

3. 1949, pp. 125-129.

4. 1952, p. 40.

reported that the women were¹ 'taught to use whatever medium for cooking their homes contain, and they are taught nothing that is above their heads or beyond their means. Many begin the course with no knowledge whatever of cooking, sewing or laundry work. Some are illiterate and are obliged to memorise all the instruction given. They all appear to benefit from the courses, but their real trial awaits them when they return to cope with the conditions that defeated them before.' Although these women had usually lived in appalling conditions before their arrest, it seemed to research workers at Birmingham - as it has to all concerned with problems of child-neglect - that such bad conditions were the result of wasteful and unintelligent spending and of sheer bad management, rather than of poverty.²

Difficulties in arranging courses to suit the number of women serving sentences for neglect of children at any one time led to the transfer to Birmingham of a limited number of suitable Star prisoners to join in the courses. It had originally been felt that women convicted of neglect should be kept apart from other prisoners sentenced for offences such as dishonesty, but the addition of a few Star women to the group proved of great assistance in the 'training'. The teachers found that, since they were often more intelligent and mentally alert, they helped³ to 'enliven what otherwise would tend to become a class of women of very low intelligence.' Women who wished assistance after their release, to advise them and put them in touch with welfare agencies, were offered the help of a Health Visitor and

1. Ibid.

2. Ibid, p. 61.

3. 1953, p. 55.

of a W.V.S. 'Friend',¹ Many made use of this service.

The Commissioners were well aware of the disadvantages of the Birmingham course. It was too short to provide an adequate training, since the maximum period for which a neglectful mother could be committed to prison by the summary courts was six months. Initial delays in allocation, and normal remission of sentence might reduce the period spent in Birmingham to a mere six weeks. The mothers were also not allowed to bring their children to the course, and, as Winifred Elkin observed,² 'it is one thing to learn to bathe a rubber doll, and another to bathe a slippery and kicking baby.'

Few offences committed by men or women arouse such public condemnation as the cruel treatment or neglect of children. It is difficult for those not in contact with such offenders to realise that women convicted of such crimes are not, in general, inhuman, sadistic monsters. The description by a Psychologist of a 'typical' woman charged with child neglect, given in the Report for 1953,³ may help to give a more balanced picture. 'She is a woman in her early thirties, married (but on an uneasy footing if not separated) to a husband with probably similar personality defects to her own. She herself comes from a family of five or six children and a home which was more or less turbulent both as regards relations between the parents and as regards relations between parents and children and between one child and another. She is of low-average intelligence and may even be feeble-minded.... She has been accustomed for many years to live a hand-to-mouth existence, first in her own home and

1. 1952, p. 41; 1953, p. 57.

2. Elkin, p. 147.

3. 1953, pp. 59-60.

then after her marriage to a man earning a comparatively low wage. The family may or may not be living in poor and/or crowded accommodation. In her attitude towards her children the woman rarely differs from other "innocent" women. She loves them, wants them, and in her fashion, cares for them. It is rarely that she has previously been in trouble with the law, nor is it likely that she will be mentally ill (psychotic or psychoneurotic). Whereas at the age of, say, twenty-two a woman with low intelligence, inadequate personality, small income, poor accommodation and small family can just manage, by the time she is thirty the increase in size of family together with the cumulative effects of the intervening struggle is sufficient to overcome her limited mental and material resources. Her conscious effort and determination to be a good mother is whittled away over the years leaving behind a half-hearted, mechanical, unadaptive apathy from which arises neglect; or, if she is of more aggressive personality, one finds an egocentric revolt in which she finally (often "in despair") places her own needs before those of her family.'

In 1957 the Advisory Council reported¹ on alternatives to imprisonment for neglectful mothers. They considered that 'this category, like that of the alcoholics, presents a problem that is social and educational in character rather than penal,' and sympathised with suggestions made by the Magistrates' Association and by the Howard League that special centres should be set up in all large cities where such women could be trained. They recommended, however, 'that consideration of the possible alternatives to imprisonment in cases of child neglect should be deferred' until after the

1. Alternatives to Short Terms of Imprisonment, p. 12.

variety of training. Considerable innovations had, therefore, to be made in 1949, to produce conditions suitable for the confinement and training of this new group of women. During the year 52 women received sentences of corrective training.¹ A Wing of Holloway was set aside for them, but by March, 1951, it had become necessary to take over two Wings, as the numbers had risen to 89.² This extra accommodation was, however, only used for a short time. By the end of 1951 the numbers of women sentenced to corrective training had begun to fall, and continued to do so for the next seven years. In 1953³ there was a daily average of between 40 and 50 women in the Corrective Training Wing; in 1955⁴ between 30 and 40; and by 1958⁵ the daily average number of women detained had sunk to between 15 and 20.

After the first flood of corrective trainees into Holloway had died down in 1951, improvements were made in the accommodation, supervision and training provided for these women. A permanent staff under an Assistant Governor - all of them volunteers - took over the Wing.⁶ It was hoped that these officers would provide a continuity of treatment and sense of community which could not have been achieved with a constantly changing staff. The Wing had its own kitchen, where the women learned to cook for large numbers; and they were also taught family cooking at evening classes, conducted by an L.C.C. teacher. The Prison Commissioners were always conscious of the many

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1. 1949, p. 31.
 2. 1950, pp. 29, 31.
 3. 1953, p. 26.
 4. 1955, p. 55.
 5. 1958, p. 49.
 6. 1951, pp. 27-28.

problems to be faced when dealing with this group of women. In 1951 they stressed that it would 'be necessary to introduce variety or improvements regularly into the training if it is not to lose its impetus.' The original resentment of the trainees against the sentence seemed to have largely disappeared by this time, but 'the danger lies in the acceptance of it as a period offering amenities to be enjoyed rather than opportunities to be used.' In 1952¹ the Annual Report observed that cooking remained the most popular form of training, although there were a few candidates for examinations in child nursing and in commercial subjects. Throughout this period only a small number of those corrective trainees who had expressed a desire at the beginning of their sentences to undertake academic courses were in fact found suitable for such training.

Through the following years the staff of the Corrective Training Wing at Holloway worked to produce a sense of community and to encourage responsibility and enthusiasm in the prisoners under their charge. It was not found possible to provide much variation in industrial training for the women, and during the day they worked in the Holloway workshops, alongside the other women prisoners. The other aspects of the training were, however, made as varied as possible. In 1953² it was reported that the trainees had 'redecorated their association and quiet rooms, produced their own magazine and given displays of their work in drama, handicrafts and cookery, at which every trainee was responsible, either as demonstrator or as hostess. The effect of this emphasis on common responsibility and obligation

1. 1952, p. 28.

2. 1953, p. 26.

has been remarkable. Their morale is high, and the former sense of grievance at their sentence has been replaced in many of them by a certain pride in belonging to a category which is achieving something.'

The decrease in numbers after 1951 made it easier to give individual attention to the women. The Report for 1954¹ observed that 'although there will always be those women who consider that the onus is entirely on the prison to train and readjust them, an increasing number come to accept the fact that corrective training is something they do to themselves rather than something that is done to them.' By 1955² it was noticeable that the Wing had begun to develop a character of its own. The decrease in numbers, however, created other problems. At the end of 1956³ there were only 19 women in the Wing, and although the standard of work and behaviour was maintained, a 'certain lack of impetus' had become apparent. To create a more stimulating group a small number of selected Ordinary women prisoners were sent to the Wing, an experiment which was not at first welcomed by either group of prisoners. The increase in the number of women confined in the Wing nevertheless now provided a community more suitable in size for group activities and schemes of constructive training. More recidivists were added during 1957,⁴ and in 1958⁵ a number of recidivist young prisoners were sent to the Wing and absorbed successfully. The 1958 Report observed that the Wing seemed able 'to assimilate foreign bodies without loss of morale.' In fact the success of this experiment emphasised the need to provide

1. 1954 - Parl. Papers, 1955-6, XXVII - p. 31.

2. 1955, p. 55.

3. 1956, p. 67.

4. 1957 - 1958, Cmd. 496 - p. 47.

5. 1958, p. 49.

schemes of progressive and constructive training in a large prison such as Holloway. Many other categories of women prisoners, besides those sentenced to corrective training, could benefit from being part of a small community with varied interests and occupations.

In 1949, when the Criminal Justice Act came into force, the Commissioners had realised that, although a large number of women might be sentenced to corrective training, some of these would profit by being trained in open conditions, which could never be provided in Holloway. As a result the Commissioners proposed that those few women who might be found suitable for training in open conditions should be sent to Askham Grange. During the early years several women were sent from Holloway to Askham. The highest number of women serving their sentences of corrective training at the open prison was 10, in 1951. The 1950 Report observed¹ that at first there was a disposition at Askham Grange 'to resent the advent of corrective trainees, although these women were chosen after observation at Holloway as likely to respond to and profit from the regime at Askham Grange. The corrective trainees for their part, being already versed in the routine of institution life, did not take kindly to the mixture of freedom and responsibility which is the essence of an open prison.' By 1951, however, the difficulties seemed to have been overcome. The Star prisoners,² 'who regarded themselves as the proper occupants of an open prison, are now accustomed to sharing it with the corrective trainees, who for their part are less conscious of the resentment of their fellows and therefore less tempted to counter it with a display

1. 1950, pp. 41-2.

2. 1951, p. 38.

of toughness. Since many of them are abler women than some of the Stars they contribute considerably to the life of the community when once they have been persuaded to accept its responsibilities without trading on its privileges.'

In 1955 Mrs. Kelley,¹ Governor of Askham Grange, expressed her approval of this scheme, provided the corrective trainees were carefully selected. Each group, she considered, could help the other. 'There is the difference in their attitude to prison. Stars regard it as a break in normal life. Of recidivists, the reverse is often true. Whether they realise it or not, to many of them prison is the norm, with brief excursions outside. I have often watched a corrective trainee's point of view changing and her plans for her future gradually becoming more realistic in consequence.' After 1953, however, the numbers sent from the Corrective Training Wing to Askham decreased every year, and in 1957 and 1958 only a few women were 'thought sufficiently stable to justify transfer to an open regional prison.'²

The Commissioners had been concerned, not only with those women sentenced to corrective training who might profit by serving their sentences under open conditions, but also with those who proved unco-operative in any scheme of training, and impeded the rehabilitation of the other prisoners confined with them. A part of Manchester Prison was set aside for such women,³ considered unsuitable for training at Holloway. Few women were, however, sent to Manchester from the Corrective Training Wing. Up to March, 1951, only three women were

1. Kelley, p. 129.

2. 1957, p. 47; 1958, p. 50.

3. 1949, p. 32.

removed from Holloway as unsuitable,¹ from 1955 to 1957 there were no transfers from the Wing, and in 1958 only one woman was 'transferred to Manchester as recalcitrant.'² The 1957 Report³ observed that the decrease in the number of women sentenced to corrective training by the courts but later considered suitable for transfer to either Askham Grange or Manchester was evidence that 'those sentenced to corrective training are those who both need and can benefit from it.'

The Report for 1958⁴ considered that the type of women received into prison on such a sentence did not vary much during the year, and did not 'appear promising.' Reconviction figures, however, remained encouragingly low, and those responsible for the trainees' after-care found them 'usually responsive.' From 1955 to 1958 the proportion of women who were not again convicted after serving sentences of corrective training was nearly 67%. These reconviction figures might have been considered an indication of the success of corrective training in deterring women from leading a criminal life. Nevertheless, there was little evidence by 1958 that the courts in general were anxious to impose such a sentence on women recidivists. In practice the value of s. 21 had perhaps been less to create a new group in the female prison population, than to point the need in all women's prisons for small groups of prisoners whose standards of life and work can be 'corrected' by 'training.'

1. 1950, p. 32.

2. 1958, p. 50.

3. 1957, p. 47.

4. 1958, p. 50.

Preventive Detention

From 1921 to 1949 few women were detained as habitual criminals, under the provisions of the Prevention of Crime Act, 1908.¹ In 1921, only one woman was serving a sentence of preventive detention.² She was confined in Liverpool Prison, and was joined there the next year by four women prisoners serving similar sentences.³ The Prison Commissioners reported that special arrangements had been made for these few women, 'so far as the limitations of the building allow.' They were given certain privileges,⁴ 'such as extra furniture in their cells, a kitchen where one of them cooked meals for the group and a small dining-room and sitting-room. They worked the same hours as the other women and were allowed to earn money, which they spent on extra foods, such as jam, marmalade and eggs. They were employed in the work-rooms, in the laundry, and on special cleaning jobs in the hospital and officers' quarters, giving satisfaction generally. They were not locked in their cells until 9.30 p.m. each night. They considered themselves superior to the rest of the community, and in conversation they always emphasised that they were not prisoners but detained women.'

According to the Commissioners the principal value of preventive detention was, and was likely to remain,⁵ 'the protection of the public for a substantial time from professional marauders;' but the problem of disposing of the small band of female 'professional marauders' proved difficult to solve, and continued to cause ~~them~~

1. 8 Edw. 7 c. 59.

2. 1921, p. 12.

3. 1922, p. 28.

4. Size, pp. 73-4.

5. 1923-4, p. 22.

anxiety for many years. To provide a separate establishment for these women was 'much too costly.'¹ On the other hand, it was not a satisfactory arrangement to locate them in any of the existing prisons. The only solution to this problem attempted by the authorities during this period was to move the women preventive detention prisoners from prison to prison. Since conditions were considered unfavourable for their confinement and training at Liverpool, they were moved to Aylesbury in 1931.² Here, however, they were³ 'necessarily in contact to a limited extent with the Borstal girls.' Of the three confined at Aylesbury in 1934, two were employed painting the prison, and the third - an elderly woman - mainly in sewing. Cicely McCall⁴ observed that 'all three had to pass through the girls' hall on their way to chapel or to exercise, and the two painters crossed it on their way to work.' This unsatisfactory position was remedied in 1935 by moving them again, this time into the former Remand Hospital at Holloway.⁵ Before the move to Holloway, only two women preventive detention prisoners were confined at Aylesbury; three years later, the daily average of such prisoners detained in Holloway was six.⁶

Official realisation that the prolonged detention authorised by the Prevention of Crime Act, 1908, could not produce satisfactory results had led to the appointment of a Committee to consider the problems of persistent offenders. This Committee reported in 1932. Important changes were recommended, both regarding the sentence of

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1. 1925-6, p. 22.
 2. 1931, p. 53.
 3. 1934, p. 32.
 4. McCall, p. 160.
 5. 1934, p. 32.
 6. 1937, p. 24.

detention to be imposed by the Courts, and in the conditions under which such detention should be served. The Committee recommended that sentences of preventive detention should be given in place of, instead of in addition to, long sentences of imprisonment.¹ The 'great defect' of the existing system was stated to be that² 'while the life of a preventive detention prisoner is more comfortable and less irksome than the life of a penal servitude man, it is an empty life. There is little to stimulate interest or mental activity.' The Committee emphasised that³ 'in the case of the great majority of women, prison buildings of the fortress type are unnecessary for purposes of security and the effect of such buildings on women seems to be in many respects worse than on men.' In selected cases, the Committee considered, women should be detained in a building of 'non-prison type', such as an old country house. Such an experiment 'would start with the advantages that training in useful employments is easier with women than with men, and that detention in an institution other than a prison would avoid the complete loss of self-respect which women frequently suffer as a result of imprisonment.'

The outbreak of War in 1939 killed all hopes that these recommendations might soon be adopted. Until 1949 the few women preventive detention prisoners remained at Holloway, with few alterations in their conditions of confinement. Though it was never easy to organise these prisoners as a group, the three women detained in 1945 presented particular problems to the authorities. According to

1. Ctte. on Persistent Offenders, p. 64.

2. Ibid, p. 57.

3. Ibid, p. 39.

the Annual Report,¹ they were 'an extremely disgruntled collection (two of the present three are gross hysterical psychopaths with paranoid tendencies and megalomaniac ideas) in spite of a great deal being done for them. They are anxiously awaiting their transfer to a more commodious part of the prison and the necessary alterations have just been begun in F. Wing.' The new quarters were completed in 1946.²

Two years later, in 1948, the Criminal Justice Act laid down a new and more constructive system of preventive detention, incorporating the recommendations of the 1932 Committee on Persistent Offenders that a sentence of detention (of from five to fourteen years) should be passed in place of, instead of in addition to, a sentence of imprisonment.³ The Commissioners were now faced with the task⁴ 'of devising a regime which should be positive rather than, as in the past, largely negative.' Women sentenced to preventive detention were to serve the First Stage of this detention as ordinary prisoners in a local prison. They would then advance to the Second Stage, receiving certain privileges and being confined in the 'least oppressive conditions compatible with security.' An Advisory Board was to be appointed at Holloway, to consider the suitability of prisoners for promotion to the Third Stage. If the Board accepted a woman as suitable for this Stage, she would spend the remainder of her sentence in 'social and industrial training, wherever possible under conditions of modified security.'

This Advisory Board was not appointed until 1952. During the

1. 1945, p. 25.

2. 1946, p. 28.

3. S. 21.

4. 1949, pp. 26-7.

intervening three years an increasing number of women had been sentenced to preventive detention by the courts. From the description of this small community of women, given in the Report for 1951,¹ it did not appear, however, that the growth in size of the detention group had been accompanied by an increase in community feeling. Although these women prisoners were provided 'with amenities and opportunities denied to the ordinary recidivist, they tend to become increasingly selfish and suspicious of each other, and the community is one in name only. Most of them work with unflagging industry, especially at machining, at which some of them, after years of practice, are adepts. They then spend their considerable earnings entirely on themselves. Because of their long criminal records they are often women with few home ties and have no inducement, as many other prisoners have, to save or to spend part of their pay on their families, nor would they dream of clubbing together to provide something for their common pleasure. They cannot be interested in evening classes, and having already cut themselves from the world outside they still further isolate themselves by their reluctance to use even the limited opportunities of prison communal life to prepare themselves for the future. Except for their incessant quarrels with each other they are not troublesome prisoners, but the outlook for them is not promising, and it seems unlikely that many of them will be found suitable for third stage.'

By 1953 there still seemed to be few signs of improvement in the group, in spite of the efforts of those concerned with their welfare.

1. 1951, p. 32.

The Report observed¹ that they formed 'a most unco-operative and self-centred community,...and although their Assistant Governor, the Chaplain and L.C.C. teachers maintain the struggle to interest them in classes, clubs or any form of communal activity which could induce them to contribute something to the common good, they continue to regard all innovations in terms of short-term material gains for themselves, while constantly protesting that they are not being rehabilitated.' It was not until 1956² that signs of lessening self-interest emerged. The women were 'at last beginning to give something to their group and to be taking some pleasure in this, somewhat to their own surprise.' Any such increase of community spirit seemed, however, still to depend on the prisoners being able to see some 'clear evidence of material advantage to themselves.'³

In 1958 the Commissioners reported⁴ that, since the number of women serving their second stage of preventive detention in Holloway had been less than 30 for the past four years, they had decided to add the small number of long-term recidivist prisoners to the group, 'in the hope that a larger community might relieve some of the irritation felt by women who are required to live for many years with those whom they have known, as a rule, for the whole of their long prison life, and like no better as the years go on.' This experiment was most successful at the start, and the Commissioners considered 'could still be made so by the more reasonable, but the really difficult women have become so entirely self-centred that they are prepared to

1. 1953, p. 28.

2. 1956, p. 70.

3. 1957, p. 49.

4. 1958, pp. 51-2.

contribute nothing but to take all they can from the community and their suspicion that they may in some undefined way be losing by the new arrangement makes them very unwilling participants.' With the larger group, however, it was possible to put an Assistant Governor in charge of the Wing, with a permanent Principal Officer under her, so that more individual attention could be given to those women who were prepared to co-operate.

In prison there were few complaints about the behaviour of the women serving sentences of preventive detention, apart from their apathy and selfishness. The problem of recidivism, however, remained serious, and in 1957¹ it was reported that of 12 women released between 1952 and 1956, after serving five-sixths of their sentence - and therefore never achieving the privileges of Third Stage - nine had been reconvicted and committed to prison. The reappearance of these women at Holloway had, not surprisingly,² 'a depressing effect on those still serving their first sentence, since many of them, though not prepared to make any determined effort to fit themselves for release, still hope to keep out of trouble in future.' The reconviction figures for women admitted to Third Stage, and released after serving two-thirds of their sentence were more hopeful, especially when their previous records are taken into account. Seven were released between 1952 and 1956, and of these four had not been reconvicted by 1957.³

Only a small proportion of those considered for admission to the Third Stage were accepted by the Advisory Board each year - in 1953,⁴

1. 1957, p. 50.

2. 1955, p. 58.

3. 1957, p. 50.

4. 1953, p. 28.

2 women out of 8; in 1958,¹ 2 women out of 7. In 1952² arrangements were made for these women to be housed in specially furnished rooms, on a landing formerly used for staff quarters in Durham Prison. They lived in the prison and went out to work in the city. Work was easy to find, and although it was not always well-paid the women were able to save a considerable sum of money during the period spent in Durham - which was usually one year.³ Unfortunately their good behaviour at Holloway, while in the Second Stage, was not always matched by good behaviour at Durham. Of the four women promoted to Third Stage in 1957,⁴ one absconded before transfer, and two committed offences while working outside the prison. The 1957 Report observed that there was 'little doubt that these women start with the intention of doing well, and no complaint has ever been made about their work, but they seem unable to resist the temptation to pilfer, or to borrow money from other employees and then to abscond when unable to meet their commitments.' Prisoners admitted to Third Stage who were elderly or unsuitable for full-time employment were not sent to Durham. During 1958,⁵ 2 women aged 64 and 69 were promoted to this stage, but they remained at Holloway and were given special privileges.

Although the Committee on Persistent Offenders had observed in 1932 that for⁶ 'some women convicted of serious offences, for example, persistent thieves, false pretenders or professional abortionists, prolonged detention would be useful, the Courts in England and Wales

1. 1958, p. 52.

2. 1952, pp. 31-2.

3. 1955, p. 57.

4. 1957, p. 49.

5. 1958, p. 52.

6. Ctte. on Persistent Offenders, p. 39.

were reluctant to sentence women to preventive detention. The Scottish Courts showed even greater reluctance, and no women were sentenced to preventive detention as a result of the Criminal Justice (Scotland) Act, 1949.¹ The habitual woman criminal - even when her crimes might have been described as 'serious' rather than 'petty' - remained a nuisance, not a danger, to society. To deprive such a woman of five to fourteen years of her life, by detaining her in prison, could only be justified if such detention either rehabilitated her as a law-abiding member of the community, or protected the community from the damage she might inflict upon it, if she were free. Even under the new system after 1949 the prospect of rehabilitating women sentenced to preventive detention was not hopeful. Such women were aptly described by the Commissioners as² 'conditioned to failure.' They rarely misbehaved while in prison, but the effect of their 'training' during confinement seldom prevented their reconviction after a brief interval of liberty. By 1958 enlightened opinion inclined to the view that the 'nuisance value' of a woman habitual criminal was not an adequate justification for society to detain her in prison for a period which might extend to fourteen years.

Prison Officers

In 1921,³ the Prison Commissioners reported that 'at the suggestion of the staff' the term 'warder' had been abolished. Prison 'warders' would in future be known as prison 'officers'. The Commissioners' pleasure at this progressive suggestion was, however,

1. 12, 13 and 14 Geo. 6 c. 94.

2. 1955, p. 58.

3. 1921, p. 28.

somewhat diminished by the Treasury's insistence on stringent economies both in recruitment and training of these new prison 'officers'.¹ As a result, the training schools for men and women were closed for years, and recruitment of all staff was suspended.

By 1934,² however, the Commissioners were able to report 'an improvement both in the quality and in the attitude towards their work of prison staffs during the period under review.' With the change of designation from 'warders' to 'officers', prison staffs had shown an increasing realisation that the training of prisoners for their eventual return to society was as important a part of their work as the disciplinary and custodial control exercised in prison. Not all women officers - especially those of the older age-groups - were willing to accept the new ideas, nor were many of them capable of being 'trained' in the more individual and constructive approach to prison work. Cicely McCall,³ in 1938, described a type of woman officer with whom she had worked as having 'that kind of honest unimaginativeness which is not only disastrous to the many prisoners who suffer from unavoidable conflict with it, but which is fatal to any of the reforms which may one day be introduced into women's prisons.' Such officers, she observed, 'may be and often are kind to the women in their charge. Bovine imperturbability is certainly infinitely preferable to more harassing methods. But lack of imagination is ultimately a serious defect in any position which entails authority over other people. One does not expect every young officer to be an Elizabeth Fry, but one would like every one to have

1. Ibid, p. 22.
 2. 1934, p. 14.
 3. McCall, p. 18.

at least average intelligence and an average degree of imagination.' The work and example of certain outstanding women Governors and officers was, however, beginning to have effect on those who came under their influence. Improvements in living conditions, the introduction of a smarter uniform and increased opportunities for training also contributed to raising the standard and the prestige of prison work as a profession for women.

With the outbreak of war in 1939 a severe strain was thrown on the staff of women's prisons throughout England and Wales. The female prison population increased during the early years of the war at a higher rate proportionally than the male population. This increase was accompanied by an alarming decrease in the number of women prison officers. It was never easy to find recruits for the prison service, but recruitment in wartime was particularly difficult in competition with the other women's Services. The problem of keeping those women who had joined as prison officers was equally difficult to solve. Overwork provided an added strain on health, and the 'wastage' due to marriage was considerably greater in time of war than in peacetime. Conditions for women officers were worst at Holloway and at Aylesbury Borstal. The Report for 1939-41¹ paid tribute to the 'remarkable' control displayed by the staff at Holloway, when dealing with the problems of women interned during the early years of the War. They had to deal with a large and varied assortment of personal belongings brought into prison by the internees - varying 'from bedding and bicycles to diamonds and money in many different currencies.' The women were often untidy, dirty and lazy, and seemed

1. 1939-41, pp. 9-10.

to imagine that the staff should be responsible for all the cleaning of the prison. The Report observed that the physical health of the officers was not adversely affected, but - not surprisingly - 'in some, tempers got a bit frayed.' By 1944,¹ the overcrowding at Aylesbury had created such a serious situation that those girls whose licences had been revoked were removed from the Institution; but even with this reduction in numbers the Governor reported that 'the situation showed little sign of easing, and the strain on the physical and nervous resources of the diminished staff was considerable.'

Such overcrowding, and the uncontrolled behaviour shown by many of the inmates of women's prisons and Borstals during the War, threw an excessive burden on the small body of permanent prison officers. This was no encouragement to recruitment. Shortage of officers also increased the strain on women offenders confined in prison during this period. Hours worked by prison officers had been reduced officially, by an Arbitration Award, from 96 to 88 a week. Nevertheless after public criticism of the long periods spent by prisoners in their cells, the Commissioners asked and gained the consent of the staff to their working overtime, so as to avoid excessive confinement of prisoners. In Holloway, however, it was found impossible to continue with this arrangement, owing to the 'serious and increasing shortage of staff.'² In consequence, it was reported in 1944 that women in the prison had their last meal and were locked in their cells before 4.30 p.m. each day.

By 1945, the population of women and girls in prisons and Borstal

1. 1942-44, p. 62.

2. Ibid, p. 36.

Institutions was almost double the normal pre-war level. As the prison population rose, difficulties in recruiting and keeping women officers increased rather than decreased. To assist the trained staff the Commissioners attempted to recruit auxiliary officers,¹ but found their efforts 'a herculean task'; it was 'not uncommon to find that of 20 women recruits only one remained in post after a few months.' Recruitment of auxiliary officers continued, however, and in 1946² a new scheme for the training of women officers was introduced. Women were recruited at the prison nearest their homes, and trained there for three months. If the prison authorities considered them suitable for permanent employment, they were then sent to the Training College at Wakefield for two weeks. At Wakefield they shared the men's training courses, an innovation which the Commissioners reported was 'entirely successful and much appreciated by the women staff.' By the end of the year there were some signs of an improvement in the staffing of women's prisons throughout the country, except at Holloway, where the position remained unsatisfactory.³ Reversing the former trends, the female prison population decreased as the number of women officers increased.

Although by 1947 the crisis in recruitment of women prison officers had passed, the problem of finding suitable women to undertake prison work continued to cause anxiety to the Commissioners throughout the next ten years. Figures for 1949⁴ are typical of this period. In that year 403 women applied for employment as prison officers.

1. 1945, p. 7.

2. 1946, p. 9.

3. Ibid, p. 10.

4. 1949, p. 8.

Of these 97 were selected and 88 joined for duty. During training 34 women resigned, 13 did not achieve the required standard, and only 29 women were eventually added to the permanent establishment. In 1955¹ it was estimated that to introduce a shift-system, covering the whole day, into women's prisons - similar to that which existed before the War - 170 additional woman officers would be needed. Although the Report for 1958² noted a 'small but welcome increase of 18 in the number of established women prison officers, making a total at the end of the year of 203,' it added that 'the recruitment of sufficient suitable women officers continued to be a difficult problem.'

The main improvement in living conditions for women officers during this period was the establishment of hostels outside the prison walls. The principle was accepted that women prison officers should live out whenever possible (those in the higher grades being permitted to make their own living arrangements) to counteract the excessive confinement, rigidity and abnormality of prison conditions, which discouraged recruitment and did not improve either the physical or mental health of prison staff. By 1957, officers worked an 84 hour fortnight,³ arranged generally to include 12 consecutive days on duty and 2 days rest, but most officers were also required to work a certain amount of overtime. Salaries for women officers were gradually being brought into line with those paid to men. By 1961⁴ it was expected that women's salaries would have increased to a maximum of £13.17. 6d. per week. A woman Principal Officer might eventually earn £17.17s.,

1. 1955, p. 10.

2. 1958, p. 4.

3. Prisons and Borstals, 1957 ed., H.M.S.O., p. 87.

4. Ibid, 1960 ed., H.M.S.O., Appendix C.

and a woman Chief Officer over £20 per week.

During this period the problem of recruitment from the ranks to the higher grades of Governor and Assistant Governor did not cause such controversy among women officers as among men. In 1955¹ the Commissioners reported that whereas all promotions to Governor should be from the ranks of Assistant Governors, the Assistant Governor grade might be attained, not only by promotion, or through selection after attending a Staff Course, but also by open competition. Prison officers might themselves apply for admission to these competitions. A number of appointments to the Grade of Assistant Governor were, in fact, made from women in the Prison Service - through the Staff Course and in open competition. Until 1958, however, Prison Officers as a whole tended to be either young women, who would marry and resign after a few years' service, or older women who, while prepared to take responsibility in their limited spheres, did not wish and were not able to do the work of Assistant Governors. Through the open competitions for appointment as Assistant Governor women with administrative experience in other spheres were able to enter the prison service. An infusion of new blood in this way was particularly valuable in women's prisons, where outside contacts and fresh ideas were essential, to overcome the apathy of recidivists and stimulate interest in the world to which the prisoners must eventually return.

Punishments

In 1921 the Prison Commissioners published Standing Orders introducing a new Stage System for women convicts, and drew the

1. 1955, p. 12.

attention of Prison Governors to their increased disciplinary powers under this new regime. Women serving sentences of penal servitude could be punished for prison offences by forfeiture of any or all the 'stage privileges' to which they were entitled. Governors were, in fact, encouraged to deal with prisoners' offences by using these powers. The Orders laid down that they should¹ 'not have recourse to close confinement and No. 1 diet, except in cases which cannot be met by the former method.' They might remove any single privilege - such as making tea - from a prisoner as a punishment, without affecting her other stage privileges. No. 1 Diet could not be awarded for more than 15 days - which meant 3 periods of 3 days on bread and water, divided from each other by two periods of 3 days on the ordinary diet. No. 2 Diet, an alternative punishment, consisted of bread, water, porridge and potatoes, and could not be awarded for more than 21 days without an intervening period of 7 days on ordinary diet. A Governor was not permitted to order dietary punishment for more than 3 days without the authority of the Visiting Committee, Board of Visitors, or the Prison Commissioners.

The Commissioners found it² 'difficult to see that close confinement can do anything but harm.' They did not, however, try to under-rate the problems of Governors faced with a 'stubbornly intractable inmate or prisoner, who defies all rules and cares for no punishment.' Such prisoners are to be found in women's as well as in men's prisons. Little change can be noted in the nature of the punishments meted out to them throughout this period, from 1921 to 1958. In 1921,

1. 1921, p. 77.

2. Ibid, p. 21.

refractory women prisoners were restrained by loose canvas jackets, body-belts and handcuffs; they continued to be so restrained in 1958. The Report for 1957¹ records the use of a body-belt and handcuffs; that of 1958² the use of a loose canvas restraint jacket on three different occasions. In 1956³ restraint jackets were used no less than 34 times. Figures published in the yearly Reports imply that in certain years the prison population has included a few particularly unmanageable women. During 1956,⁴ although on 34 occasions a restraint jacket was considered necessary, and special confinement cells were used 64 times, only 17 separate prisoners were restrained or confined. Whether prison was the most suitable place for some of these violent women may be seriously doubted.

In 1950⁵ the Committee appointed to review punishments in Prisons and Borstals published their Report. It had been suggested to them that the 'indignity of dietary punishment' was felt more keenly by women than by men, and such punishment should, therefore, be abolished. With this view the Committee disagreed. Dietary punishment, they reported, was seldom used for women, but there was evidence that in certain cases a 'short period of cellular confinement coupled with dietary restriction had proved to be a very effectual deterrent.' Dietary punishments continued to be used in women's prisons throughout England and Wales until 1958. In 1956, 65, and in 1958, 100 women prisoners were punished in this manner.⁶

1. 1957, p. 37.

2. 1958, p. 40.

3. 1956, p. 53.

4. Ibid.

5. Report of Cttee. to Review Punishments in Prisons, Borstal Institutions, Approved Schools and Remand Homes, Pts. I and II - Parl. Papers, 1950-1, XVIII - p. 15.

6. 1956, p. 188.

The Report of the 1950 Committee,¹ although recommending that dietary punishment of women should continue, called attention to the remarkable fact that at the women's open prison at Askham Grange, no prisoner had had to be placed on report for misconduct since the prison was opened in September, 1947. The Committee observed that in such a prison 'the real deterrent to misconduct is the prospect, if one misbehaves, of being sent back to an ordinary establishment where a less benevolent system is in force.' It was, however, noticeable that although many women in closed prisons became hysterical and violent, this state was rare under open conditions. Violence to officers and other prisoners, smashings up and similar offences seldom occurred in open prisons or Borstals.

Only specially selected prisoners were recommended for training in open conditions. A record of good behaviour might, therefore, not be expected to cause particular surprise. Open conditions, providing full and interesting employment in unrestricted surroundings do, however, in general tend to reduce the tensions and animosities which seem to be inevitable in any community of women. These tensions and animosities account for the majority of women's offences in prisons. The establishment by the Prison Commissioners of two open prisons for women and two open Borstals for girls during this period gave every encouragement to good behaviour to those women who might be considered 'trainable'. The small hard core of trouble-makers, however, remained, and by 1958 no satisfactory solution had yet been found to curb their activities. Twenty years earlier

1. Report of Cttee. on Punishments, p. 18.

Cicely McCall had written,¹ 'It is easy to criticise methods which are reactionary and unconstructive, but less easy to suggest alternatives. If a woman in an ordinary cell or in the punishment block suddenly starts screaming in the middle of the night or smashing the furniture in her cell, or battering on the door, something has to be done for the sake of the other would-be sleepers in the prison.' The noise and disturbance caused by such women led in 1958² to a suggestion that sound-proof cells should be introduced at Manchester Prison.

1. McCall, pp. 67-8.

2. Times, Jan. 20th, 1959.

Chapter 17

PRISONS IN ENGLAND AND WALES: 1921 - 1958

PART III - LABOUR, TRAINING AND HEALTH IN WOMEN'S PRISONS

The programme of work provided for prisoners in 1921 gave little satisfaction to the new Prison Commissioners. Although forced to admit that¹ 'only a minority of the persons received into prison can be taught to turn out good industrial work,' because 'defects in physical and mental condition, and the shortness of many sentences, prevent the majority from learning anything but the simpler and poorer occupations,' the Commissioners considered that radical changes must be made in the administration of prison employment. The problem of providing work for women prisoners was, as always, less difficult to solve than in the case of men. The actual maintenance work of the prison, the cooking, cleaning and laundry-work could be construed as 'training'. All too often, however, such work was mere drudgery. The women supplied the essential labour of the institution, and received no adequate instruction whatever as to how their work should be done.

In 1926, women confined in Liverpool Prison were divided for work into three categories by the Medical Officer:² those fit for heavy labour, who worked in the laundry, kitchen and garden; those fit only for light labour, who were employed on sewing and knitting in the prison work-rooms; and 'untasked' women, who were not obliged to complete any set amount of work each day or week. Since the women

1. 1921, p. 17.

2. Size, p. 72.

cooked and did the laundry for the men's prison as well as for their own, there was no time for any individual instruction or training. The object of their labours was solely to feed and clothe the whole establishment. In some institutions the organisation of such essential services was not even conducted efficiently. When Miss Size arrived at Holloway in 1927 she found the two prison laundries,¹ 'very badly equipped.' 'The work done in the prisoners' laundry,' she wrote, 'was deplorable. On my first inspection I found piles of dirty sheets and women's underclothing that had been left to accumulate week after week. No attempt had ever been made to clear a week's washing within a week and arrears had piled up.' Only in Aylesbury convict prison, with its small population of eight prisoners, was there any attempt to suit the employment of women prisoners to their needs. In 1929² the Governor reported that 'in order to maintain their interest and proficiency in domestic matters it has now been arranged that the women cook their own mid-day meal each day, each woman taking her turn as cook. Apart from the fact that the food is infinitely more appetising...it has roused their interest in so far as each woman wishes to excel and make her dinner the most successful one. The remaining days are spent half-day in the garden and half-day in the work-room, so that each woman has her regular training in cooking, cleaning, sewing and gardening.'

The unsatisfactory conditions under which prisoners worked led to the appointment of a Departmental Committee to enquire into the Employment of Prisoners, which reported in 1933. It acknowledged

1. Ibid, p. 92.

2. 1929, p. 36.

that¹ 'the problem of women's work in prisons is much simpler than with regard to men. The numbers dealt with are far smaller.... On the whole women are more accustomed to sedentary work than men and go to pieces less under it. Moreover, much prison equipment (in particular stockings, and clothes for officers, prisoners and Borstal inmates) can be profitably made by women without a long period of training or expensive plant. Mending and laundry also give a large amount of work.' 'Nevertheless,' the Committee observed, 'we doubt whether the organisation of labour in women's prisons can be regarded as entirely satisfactory. The same amount of effort could be made far more productive with better equipment. Power sewing machines are to be found in very few prisons, and in almost all cases the laundry machinery belongs to a different epoch from that in use in commercial establishments.... Modern machinery obviates the somewhat messy and unhealthy work of the wash tub; it also demands a completely different speed and adroitness from the old hand washing.' The Committee recommended that enough power machinery should be installed in prison laundries 'to make the women's work remunerative, and to give the released prisoner some hope of being able to obtain work of this class, where speed is absolutely essential.' They also recommended that power sewing machines should be introduced into all prisons so that suitable prisoners could be trained as skilled machinists, and so become fitted to obtain employment on their release. 'Trade teachers of a really high grade'² were essential if the women were to be adequately trained. The Committee pointed out, with wisdom, that

1. Report of the Departmental Cttee. on the Employment of Prisoners, Part I, 1933, Cmd. 4462, p. 72.

2. Ibid, p. 73.

'the assumption that every woman is a housewife at heart is much too readily made, and some women will do better in something akin to factory work than household tasks.' They recommended that a system of earnings should be introduced, which would provide an incentive to increase the rate of production, and give prisoners the means to purchase small articles for their own use.

At this time the great majority of prisoners at Holloway worked in the laundry, kitchen or prison workroom. Only a few women were employed in other tasks, such as gardening, cleaning or painting the prison; and a group of young prisoners were trained in housework in the officers' quarters. The two main workrooms were described by Cicely McCall in 1935.¹ 'All first offenders,' she wrote, 'except those working in the officers' quarters, worked in the top room. Here the finer work was done. Officers' blue uniforms were made and complete outfits for convicts to wear on discharge, coats, frocks and underclothes. The second division and star women sat on one side of the aisle and the recidivists on the other, a couple of yards away. Talking was not allowed except a word here and there about their work.... In the lower workroom the rougher work was done. Here mail-bags were sewn and stencilled with their letters and numbers.... In this room mattresses were re-made, and in the back row sat some of the old drunks languidly teasing out the coir to fill them. A pile of used and matted coconut fibre lay on the floor beside them, and on the other side they dropped the picked coir ready to be put back into mattresses and pillows. It was purely automatic work of unrelieved monotony.' Each woman was also allotted a 'cell-task' for her

1. McCall, pp. 93-4.

evening work¹ - generally either shirt-making or sewing mail-bags.

During the following years the Prison Commissioners went far to implement the recommendations of the 1933 Committee. The old machinery in prison kitchens and laundries was gradually replaced by more modern equipment, and more power sewing machines were supplied to the women's prisons. In 1938 a new scheme of earnings was introduced. At first the amount which could be earned was very small, averaging less than a shilling a week. Even this, however, proved a remarkable encouragement to the women prisoners in Holloway. The Governor reported² that 'the output of work has gone up considerably and the quality of the work turned out has remained at a high level.' The quality might, indeed, have been expected to deteriorate. That this did not occur, the Governor considered was due 'largely to the love of good work which has been instilled into the prisoners by the voluntary handicraft classes which are held in the evening.... The privilege of spending is much appreciated and made full use of by the prisoners. Sugar or sweet things, such as jam, sweets and chocolate, and tobacco in the form of cigarettes or snuff, are the commodities most frequently bought.' Miss Size, writing in 1957, felt that the value of the earnings scheme was two-fold:³ 'it fostered a sense of responsibility and self-respect, and gave life within the prison a new meaning. The satisfaction of collecting wages - meagre as they were - for work done, and spending it on things that they could not have had otherwise, had a salutary effect on morale. One woman remarked when she bought her packet of cigarettes that the only honest

1. Ibid, p. 95.

2. 1938 - Parl. Papers, 1939-40, V - pp. 61-2.

3. Size, p. 122.

money she had handled for years was her prison earnings.' After the War the maximum amount which might be earned by a prisoner, working on a flat rate, was raised to 2/6d. in 1949¹ and 4/- in 1951.² Women working on piece rates could earn equivalent sums, but it was rare for a woman prisoner to earn the maximum amount. Indeed Joan Henry, writing in 1952 of her work while a prisoner at Askham Grange,³ mentions 11½d. as the normal pay for hand-sewers, who produced their allotted quota of shirts per week. With the increase in earnings came an increase in canteen facilities. In 1951 a credit scheme was introduced,⁴ removing the need for prisoners to handle money in their canteen transactions. The object of this scheme was mainly to curb the power of 'tobacco barons' in the men's prisons, but the credit system had advantages also for women prisoners.

A variety of new kinds of employment were provided for women prisoners during the years from 1945 to 1958. At the end of the War, in 1945,⁵ some London Hospitals, short of domestic workers, appealed for help to the Commissioners, who sent regular parties of women from Holloway to work in the hospitals. None of these gave cause for complaint. The Commissioners reported that 'so far as is known, nothing but good has resulted on both sides.' In 1951⁶ a jam-factory was started at Holloway, and produced 18 tons of jam for prison use. By 1953⁷ this factory was producing over 100 tons of jam and 20 tons of marmalade. Women were employed increasingly on painting work

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1. 1949, p. 28.
 2. 1951, p. 38.
 3. Henry, p. 115.
 4. 1951, p. 38.
 5. 1945, p. 26.
 6. 1951, p. 46.
 7. 1953, p. 45.

inside the prisons, especially at Askham Grange and Hill Hall. The Report for 1954 observed that all the interior decoration at Askham had been done by the women prisoners.¹ 'The inhabitants of each bedroom have chosen and carried out their own scheme of decoration, including the dyeing of curtains and bedspreads, and painting of furniture. They have learnt in this way that it would not be beyond the powers or the means of most of them to clean and brighten their own homes, and it has been most noticeable that the standard of cleanliness in the re-decorated rooms has immediately improved, and what was formerly a boring duty has clearly become a matter of pride.'

More outdoor work was also introduced for women prisoners. In 1945,² the arrangements made in men's prisons to send agricultural working parties to help the farmers near these prisons were extended to women. The Commissioners reported the success of this experiment, 'though some of the younger women proved more irresponsible - or enterprising - than the men in the way of absconding.' With the establishment of the open prisons at Askham Grange and later at Hill Hall there was a further increase in outdoor work. When at first the authorities at Askham made it known that they would supply labour for seasonal agricultural work, such as potato planting, only the neighbouring agricultural college requested assistance.³ In a short time, however, the local farmers, impressed by the hard work and energy shown by the women prisoners, added their requests for help, and eventually there were not sufficient women to meet all the demands, without interfering with the other work undertaken at Askham. Miss

1. 1954, p. 39.

2. 1945, p. 26.

3. Size, pp. 168-9.

Size observed that not once was an unsatisfactory report made about these women workers. Outdoor work within the prison grounds was undertaken at Hill Hall. In 1954,¹ six women were employed in the walled garden, working under the Foreman Market Gardener. They did all the heavy digging, fruit gathering and pruning. The Foreman was apparently impressed by their ability, especially their application to the job 'as they rarely if ever wasted time.' In 1954 the women tending the poultry at Hill Hall also had a very successful year. As well as the daily care of the poultry, they learnt to pack eggs and dress birds for table. Although few women might wish to continue with such work after their release from prison, employment outdoors proved of great value to the health - mental and physical - of the prisoners, and every effort was made by the prison authorities to increase whenever possible the variety of such employment.

For short-term unskilled prisoners it was not easy to provide work avoiding excessive monotony. The sewing of mail-bags still continued at Holloway; in 1944² women began to dismantle electrical equipment for the recovery of metals; and in 1946³ a few machines were installed for removing platinum points from G.P.O. electrical gear. By the end of this period no satisfactory solution had yet been found to the problem of how to employ these short-term prisoners. For women detained in prison for a longer period, the Prison Commissioners made extensive enquiries to discover if any⁴ 'specialised industries could be found for which vocational training would be

1. 1954, p. 120.

2. 1942-44, p. 40.

3. 1946, p. 39.

4. 1948, p. 39.

feasible in a prison,' but without success. Looking forward to possible developments in types of prison employment, the Commissioners observed in 1945¹ that, although some industrial training should be provided, especially for the younger women, the greater part of women's work in prison must inevitably be domestic. This work should, however, be directed towards training 'better housewives rather than better housemaids.' The Commissioners considered that, with the 'cottage-home' as a background, 'every aspect of the domestic work, whether in shops or in the service of the prison, should be made to serve one idea - that of instilling into the women the ideals of a good home and how they may best be achieved.'

The importance of this transition - under the guidance and with the encouragement of the Commissioners - from the training of 'housemaids' to that of 'housewives' cannot be over-estimated. Although much remained to be done in 1958, considerable advances had been made by this year in selection of the forms of labour provided for women. In the small prison for women, opened in 1953 in the former Governor's house at Cardiff Prison, domestic work was² 'on a scale and in a setting that bears at least some resemblance to the women's own background. Each woman does her personal laundry work under instructions, and a number of them learn to cook.' At Askham Grange, the whole training was intended to prepare the prisoners for work in their homes or in factories. Frances Banks described this combination of large-scale and small-scale training.³ 'In the kitchen, to make up for large-scale preparation of meals for seventy, there was a special

1. 1945, p. 73; see also Elkin, p. 146.

2. 1953, p. 34.

3. F. Banks - Teach Them to Live; London; 1958, p. 255.

domestic class running concurrently on two evenings a week. In the laundry there was some hand work to prepare for home washing; but also machines which would give practice for earning in a steam laundry. In the garden there were individual allotments as well as large-scale market-gardening and greenhouse work.' Whereas Askham Grange provided training in the making of men's shirts and ties, which would qualify the women for factory employment on their release, Frances Banks considered that there were equal advantages in the work provided at Hill Hall, where women prisoners transformed¹ 'W.V.S. "waste" into attractive garments, mainly for children. Thus an old coat or skirt would be remodelled into a child's smock or a boy's romper suit.' The Commissioners also considered this form of work a particularly valuable method of training the prisoners. The Report for 1954² observed that there was 'endless variety in this work; it demands ingenuity and it appeals to the women in its relation to their own home lives and its constant reminder of the children for whom the clothes are intended.' In this year many of the women told the Governor of Hill Hall that they would continue to make their children's clothes when they returned home.³

Any study of the varied forms of employment provided for women during this period emphasises how narrow is the line between work considered as employment and work considered as education. Gardening classes may be conducted for women prisoners at any hour of day; the practical application of the instruction received keeps the grounds of the prison in good order. Cooking 'classes' take place, not only

1. Ibid, p. 259.

2. 1954, p. 39.

3. Ibid, p. 120.

in the evenings under outside specialist instructors, but throughout the day, under qualified cooks in the prison kitchens - training the women under their care for work, after their release, in large institutions. No scheme of training for women in prison should make a strict division between employment and education. If she is to be rehabilitated satisfactorily, the woman prisoner - far more than any man - must be considered as a whole person, not as a mere unit of labour. To achieve this rehabilitation and reform, every task provided for her to perform - whether compulsorily or voluntarily - should contribute to improving her habits of work, and awaken her interest and pride in her labours. Only by combining education with employment can she be returned to society fitted to create and maintain an efficient home for herself and for her family.

Education

Little interest had been taken in the education of prisoners before the beginning of this period. From 1921, however, the change in the Prison Commissioners brought with it a new enlightenment in the administration of prisons throughout England and Wales. In that year the Commissioners reported their view¹ that 'pampering' of prisoners was neither the object nor the result of their penal methods. 'It is our duty,' they observed, 'as custodians of those who are for a time forcibly separated from life in the civic community, to restore them to it at least as fit as when we received them. To this end we should feed and exercise their minds as well as their bodies; else we shall return them to the stern competition outside torpid in mind

1. 1921, p. 15.

and nerve, and quite unfit to take their part. It is therefore reasonable that we should make it our aim to balance the hour of physical exercise each day with an hour of mental exercise each evening; to provide brain food in the form of books and social intercourse as regularly as we issue wholesome food for the body.' The next year the Commissioners again emphasised the need for a¹ 'greater activity of mind and body.' 'Education on broad lines' was needed, 'to arouse some intelligent interests, and to raise the mind out of a sordid circle of selfish broodings.'

Shortage of money hampered all efforts to improve education for prisoners. It was impossible to pay sufficient teachers to conduct the necessary classes, and the position remained unsatisfactory in all prisons. In 1922,² the Commissioners decided to organise an entirely new system of prison education; to appoint as Educational Advisers to all prison Governors persons with educational experience, who would be willing to help in the organisation of classes; and to enlist the help of voluntary teachers in conducting these classes. The first Educational Adviser appointed to Holloway Prison was Miss Margery Fry, J.P., one of the most enlightened workers for prison reform of her generation. The Commissioners were concerned with practical and with academic teaching, and in 1922 they described the educational need of prisoners in terms which remained as true in 1958 as when they had been written.³ 'While more simple elementary teaching is still required, the need for education on a broader basis, suitable for backward adults, is even more urgent. The teaching in

1. 1922-3, p. 17.

2. Ibid, pp. 17-18.

3. Ibid, p. 18.

simple subjects which is given to normal children is not wholly suitable for adults, whatever their degree of ignorance. They find it difficult to concentrate their attention upon it, and, while it remains necessary that their reading, writing and arithmetic should be brought up to a certain minimum standard, even these ends can be better attained through the medium of subjects of general interest.'

By 1924 every local prison except Brixton, Ipswich and Shepton Mallet possessed an Educational Advisor to the Governor,¹ who organised and supervised the work of prisoners' education. Meetings of the Advisers were held yearly. In 1925² the Report mentioned three points agreed by them at their latest Meeting. 'a) Attendance at the evening classes should be voluntary on the part of the prisoners, and should be regarded as a privilege. b) Vocational and general subjects are equally valuable,...provided the teacher has experience and the right kind of personality. The great point is to arouse mental activity, and to give some kind of healthy mental outlook; and to this end the personality of the teacher is more important than the choice of subject. c) Subjects requiring real mental effort are to be preferred to those which merely impart information.'

Miss Size described the adult education scheme organised at Aylesbury under the direction of Miss Emy Mahler, the Educational Adviser, who was responsible for finding the lecturers.³ These lecturers 'came from the medical profession, from universities, high schools and elementary schools and from domestic science centres; there were social workers also, who spoke on health, housing, nursing,

1. 1923-4, p. 17.

2. 1924-5, p. 18.

3. Size, p. 76.

and citizenship. Sometimes a musical lecture would be arranged with illustrations. These lectures were always appreciated by the women, many of whom knew little about classical music, but they loved to sit and listen to it.... It was arranged that there should be time for questions after each talk. The lecturers were always impressed by the intelligence of the questions (only the intelligent women ventured to ask one) and the appreciation of the audience.' Debates were also introduced under the scheme, the choice of subject being left to the women,¹ 'with a proviso that they kept to principles and avoided personalities.' Classes were formed in embroidery, quilting, children's dressmaking, advanced needlework and dressmaking, and in leather work. Nearly all the convict women attended the classes, although attendance was voluntary. A Braille teacher was found,² as it was thought that some long-term prisoners might like to learn Braille and work for the blind. She formed a small hard-working class, which eventually translated several novels into Braille.

Prisoners in Holloway showed a similar enthusiasm for the educational classes they were now offered. In 1924,³ the Governor of Holloway described a class for 'artisan's cooking' which he had begun with the assistance of Miss Fry. 'This class meets every Saturday evening. It consists of 16 women who have sentences of three months and over. The class is conducted by an instructress from the London County Council. The women show great interest in the lessons and take notes of the recipes and method of preparation. This class is in my opinion one of the best educational efforts made, and I sincerely

1. Ibid, pp. 76-7.

2. Ibid, p. 78.

3. 1923-4, p. 48.

hope the Commissioners will be able to see their way to make provision for the class to be continued and to provide that a larger number of women are under instruction.' In 1928¹ the Governor, remarking on the improved conduct of the prisoners in Holloway during the year, gave some credit for this improvement to the 'educational classes that we hold and which form such an important part of the prison routine.... Besides the handiwork and literature classes we have now classes in dressmaking, tailoring, weaving, also maternity and child-welfare. I have no hesitation in saying that besides giving the women food for thought and conversation the classes are much appreciated by the large bulk of the prisoners. There is no doubt that this introduction has been one of the greatest advances that have been made in recent years in prison reform.' By 1929,² voluntary teachers conducted 19 classes each week in the prison. These included gardening, country dancing and physical drill. Particular arrangements were also made for the young prisoners, aged 21 to 25. They attended educational classes for two hours on three days in the week, and had evening classes in cooking and needlework.

The majority of the classes provided for other women prisoners in Holloway were in various forms of handicrafts. In 1924 the Prison Commissioners had accepted an offer by the Brabazon Society to provide money for handicraft classes at Holloway. It was hoped that this money would eventually be refunded through the sale of articles made by the prisoners, but this hope was not realised. The classes were badly organised; the articles they produced were inferior and often

1. 1928 - Parl. Papers, 1929-30, XVII - pp. 36-7.

2. 1929, p. 38.

unsaleable. When Miss Size became Deputy Governor of Holloway in 1927, however, one of her first tasks was to reorganise the system of prison education and handicrafts.¹ She called a meeting between the class teachers and the Educational Adviser, 'to discuss the question of education generally,' and reorganised the handicraft classes completely. The new classes made saleable articles, and were soon able to pay back to the Commissioners the money they had refunded to the Brabazon Society. Miss Size wrote of this period, 'We introduced every craft for which we could find a teacher: dressmaking, embroidery of every kind, lace-making, bead-work, pottery, cane-work, rug-making, spinning, and weaving, leatherwork, woodwork, pewter, toy-making, smocking, quilting and patchwork. Every woman serving a sentence of three months and over attended one or other of these classes, while those serving shorter sentences learned how to make children's garments, simple embroidery, and knitting or rug-making.' In her opinion the introduction of handicrafts into women's prisons was the greatest blessing bestowed on them in modern times.² 'Its value cannot be overestimated. It brought a body of accomplished women into contact with the prisoners; it opened a wide field of knowledge to hundreds of women and girls who would otherwise never have had such facilities. It placed in the hands of many of them the means of making them self-supporting. It brought out latent talent, and gave many of them a sense of self-respect and self-confidence previously unknown. It made them more efficient, and, consequently, more useful members of society.'

1. Size, pp. 107-8.

2. Ibid, p. 109.

Up to the outbreak of War in 1939 the number of classes provided for women prisoners increased each year. The Report for 1936¹ observed that continuous efforts had been made to increase classes, lectures and concerts, so that women prisoners might work outside their cells and in association as much as possible. As a result the women became more contented and more responsive. Although in war-time the provision of educational classes was not easy, evening classes in country dancing, singing, current events, geography and first aid were still being held in Holloway in 1944.² A year later Durham Prison started an experiment³ which was to change the whole system of education in prisons throughout Britain. The Local Authority took over the Prison as an Evening Institute, where they provided classes for further education, as at any other such Institute. This scheme became the model for prison education - adult education classes under the supervision of the Local Education Authority taking the place of classes conducted by voluntary teachers, organised by the Educational Adviser to each prison. How urgent was the need for such a comprehensive scheme may be judged from information given to Parliament in 1947.⁴ During 1946, the total official expenditure on 'amenities' for Holloway - containing at this time a daily average of nearly 500 women - was £37. £15 of this money was spent on garden tools; £13 on materials for needlework and other classes; and £5. 5s. on entertainment. £4 was spent on mending and licensing a wireless set for the prison. All other expenses, for classes, concerts, etc.,

1. 1936, p. 19.

2. 1942-44, p. 45.

3. 1945, p. 39.

4. 433 H.C. DEB. 5s, 1947, 714.

were paid for by voluntary subscriptions.

An Educational Advisory Committee was set up, to assist the Commissioners, and enquired generally into educational policy regarding prisons. In 1948¹ this Committee stressed the value of films and film-strips, radio and newspapers 'as adjuncts to education' in prison. In 1948² the Commissioners also reported that 'a very practical and comprehensive "Homemakers Course"' had been conducted in Manchester Prison by the Local Education Authority. Education through correspondence courses was also popular, but the Report for 1951 drew attention to the care necessary when selecting prisoners to take such courses. In 1951,³ 28 women prisoners took correspondence courses in various subjects, financed from public funds, and using typewriters provided by the Howard League; and each year a small number of women have profited from this means of education. The Commissioners felt, however, that any applicant for a course should be carefully tested, to make sure that the course would be of real value to her, that she would be able to profit from it, and that it would be 'seriously and steadfastly pursued to its completion.' Frances Banks, writing in 1958,⁴ considered that correspondence courses could only have a limited value for prisoners. 'One characteristic found among delinquents,' she observed, 'is a practical volatility which is apt to make them unsatisfactory as desk-workers; and another is a tendency to be easily discouraged. It is possible that they are particularly in need of the constant stimulation of

1. 1948, p. 40.

2. 1948, p. 39.

3. 1951, pp. 53-4.

4. Banks, p. 217.

competition, fellowship and live material in their work and study.'

The Report for 1954¹ noted a change in the policy of the Commissioners regarding the teaching of handicrafts in prisons. The Commissioners had 'previously commented on the difficulty of organising handicrafts as a self-supporting industry. It has, however, now been decided that these classes need no longer be required to be self-supporting. While it is still hoped that articles may be made to a saleable level, the emphasis will be on the educational and creative value of the classes.' Twenty years before, Cicely McCall had criticised the aims of handicraft classes in women's prisons.² 'In the struggle to produce saleable goods for the annual bazaar,' she wrote, 'one sometimes felt that the authorities had overlooked some of the more utilitarian possibilities of evening classes.' She felt strongly that to fit women for life outside prison 'the practical classes should come first and the luxury handicrafts later.' There was a 'tendency to attack the whole subject of evening classes from the money angle, because the articles produced have to be sold to raise money for the Discharged Prisoners' Aid Societies.'

When the handicraft classes were first established at Holloway, it was essential that they should pay their way. Only through a voluntary grant by the Brabazon Society had it been possible to start the classes at all; and their continuation was dependent on the women prisoners producing saleable goods. The change of policy in 1954 was, however, greatly to be welcomed. Not only in prisons, but in other institutions for juveniles and adults, there is the temptation

1. 1954, p. 55.

2. McCall, pp. 130, 133-4.

to restrict the work of inmates to the production of articles which will bring credit on the class, and on the teacher who helped to produce them. In fact, the production of articles of little monetary value and mediocre workmanship is often more valuable as a means of rehabilitation. No prisoner should be kept for any excessive time on work at which he or she has shown particular aptitude, if this is primarily intended to supply goods for sale to the public.

Although the forms of labour provided for women prisoners at Askham Grange were very different from those provided at Holloway, the educational classes conducted in both types of prison followed similar patterns. Classes in all women's prisons varied in size and popularity from year to year, owing to the small numbers confined at any one time, and the greater individuality of women prisoners as a whole. In 1955,¹ among classes taken by women in England and Wales were 6 in English, 4 in Art, 4 in Music, 3 in Drama, 7 in Current Affairs, and 25 in Handicrafts. The average number of women in each class varied from 11 to 16.

Frances Banks described the classes she found at Holloway in 1958.² By this year a Tutor Organiser had been appointed to supervise the education of the women prisoners. Special educational premises were sadly lacking, two converted cells serving³ as an education office, where staff books and equipment have to be stored and filed under the care of the Tutor Organiser. Most of the classrooms, ceilinged rooms off the wing landings, have to serve as association rooms, which means that nothing can be left for an interim

1. 1955, p. 79.

2. Banks, pp. 249-252.

3. Ibid, p. 252.

follow-up; and the strict division into categories would probably make central study-rooms difficult.' Country dancing, English literature, current affairs and art were particularly popular classes at this time; also those in handicrafts of various kinds. Men teachers conducted the classes in carpentry and gardening. In the Corrective Training Wing¹ 'a classroom was equipped with seven typewriters (given, I believe, through the Howard League); it draws a class of six, but I understand that few have the general education to make it of great vocational use; however it has a happy application in the typing of parts for the plays which are produced in the wing. There are also evening classes in shorthand, and book-keeping.' The year before the whole prison had combined in an educational project² 'with The River Thames as theme, concluding with an exhibition and public performance. There were paintings, poems, songs and scenes composed by the classes, an embroidered map of the River, models, readings, and discussions, current and historical. The aim was expressed as: "To give the students an opportunity to work together at something in which everyone could join, developing their own ideas with full scope for originality and initiative and, as far as possible, an opportunity for independent research."' In 1958,³ a special course in 'pre-release training', named 'Living in House' was added to the other classes at Holloway. The Report for 1958 noted that this course covered 'not only home management but social services as they affect the family, child development and family relationships and the law as it relates to the citizen.'

1. Ibid, pp. 249-250.

2. Ibid, p. 251.

3. 1958, p. 28.

By 1958 all concerned with penal administration in England and Wales realised the importance of education as a means to awaken and hold the attention and interest of women in prison. Prison Officers themselves often co-operated by taking classes in handicrafts and physical training; a devoted body of teachers had grown up, who, often after a long school day, were prepared to come and work in the evenings with the prisoners. In 1957,¹ the Prison Commissioners expressed their appreciation of all those who worked to improve education for prisoners. 'While we would not in any way belittle the value of the subjects taught,' they observed, 'it is as often as not the character and personality of the teacher which make the greatest impression and help most in the rehabilitation of the offender.' In particular is this true of education in women's prisons. Monotony and apathy are among the inevitable difficulties which face any community composed almost entirely of women. One of the most effective methods used to combat these difficulties during the period under review was the introduction of enlightened, enthusiastic and carefully selected men as teachers into women's prisons.

Prison Libraries

Before the War in 1939, small libraries in women's prisons were maintained largely through generous gifts of money and books provided by such voluntary organisations as the Seroptomists. The Commissioners realising the importance of a well-organised library in any scheme for the education and training of prisoners, introduced a new post of

1. 1957, p. 26.

Librarian Officer in 1934.¹ These officers often gained experience at local public libraries. The two officers appointed at Holloway took a course under the librarian of the London and National Society for Women's Service.² Until 1958, however, none of them were trained librarians.

During the War years the prison librarians administered their libraries and purchased books on an annual grant of 1/3d. per head, 'excluding Devotional, Reference and Technical books.'³ In 1946 the Commissioners found themselves faced with the task⁴ 'of rebuilding the depleted and tattered libraries left by six years of decrease in grant, shortage of books, and increase of population.' By this time, however, many prison libraries had been adopted by the County Libraries in their area. This scheme, started in 1942,⁵ gradually extended to almost all the prisons throughout the country. The County Libraries received an annual grant from the Treasury to purchase books, and provided books for the prisons, as for any of their Branch Libraries. When Askham Grange was opened in 1947, the local County Library sent two hundred books to the prison, and arranged for them to be changed every three months.⁶ This change in library administration brought great benefits⁷ 'not only in the provision of a more various and interesting stock, but in the greater respect with which the prisoners treat the books.' Prisoners in

1. 1934, p. 38.

2. McCall, p. 120.

3. 1945, p. 40.

4. 1946, p. 45.

5. 1942-44, p. 46: in this year Miss Mellanby was invited by the Commissioners 'to take special responsibility for the development of education and the libraries.'

6. Size, p. 154; Banks, p. 256.

7. 1942-44, p. 46.

certain prisons could now choose their own books from the library shelves, and by 1955¹ all prisoners had free access to shelves.

At Holloway the Commissioners continued to supply books to the prison, and by 1958 the Treasury grant had been raised to 7/6 per head of the average population. The Commissioners took considerable care in their choice of books, and provided the women both with recently published books, and with an ample supply of popular light reading. Holloway was fortunate in having a more extensive library than many prisons, since the original library, built up over the years by generous voluntary subscriptions, remained to supplement the books provided by the Commissioners and by Islington Public Library. The Librarian obtained specialised books needed for educational classes of examinations; and certain times were fixed each week for prisoners to change their books. Prisoners could also receive books from their relatives and friends, which - unless they were expensive technical works - became the property of the prison library on their release. The Hospital at Holloway came under the care of the Red Cross, who received a grant to administer libraries in all prison hospitals, and took great trouble to keep the patients supplied with books and to note individual requests.

At Askham Grange, on the other hand, the new regional prison was almost entirely dependent on the County Library. There was, however, more freedom given to prisoners to change their books. Although in theory a prisoner might only take out two or three books each week - as at Holloway - in practice she might change her books when she wished, during her recreation time. The 'natural conditions' of the

1. 1955, p. 81.

library at Askham impressed Frances Banks, when she visited the prison. 'Inmates,' she observed,¹ 'are allowed to take the books off the shelves of the lovely library-room which is used as a sitting-room without check or entry.' This freedom of access, admirable in an open prison with selected prisoners, would not, however, have been possible in a larger institution with a rapidly changing population.

The Report for 1955² noted that, since prisoners were then free to choose their books from the shelves, instead of from catalogues, 'the circulation of non-fiction books is steadily increasing. Faced with a catalogue, borrowers have usually asked for a Western, or a book by one of the few novelists familiar to them, but an opportunity to look through books on the shelves has persuaded them that biographies or books on travel or war experience are well within their range.' The field of reading in women's prisons, however, continued to be more limited, and on a far less adventurous scale than that found in men's prisons. Women's reading tends to be confined to books and magazines of an emotional and escapist character. Whether due to her nature or to training, the average woman is inclined to show less interest in reality, in reading of the experiences of others and in acquiring general knowledge, than a man. When she is confined in prison, and thrown on her own mental resources, away from the social group to which she is accustomed, it is not surprising that, when she reads at all, she turns to books to provide an escape from her condition of solitude and degradation, rather than to increase her store of understanding and knowledge. The library at Askham contained

1. Banks, pp. 256-7.

2. 1955, p. 81.

biographies, and works on travel, poetry and technical subjects, as well as fiction; but non-fiction books were seldom requested. In 1958 it was estimated that 98%¹ of the prisoners' reading was fiction; and a similar picture would have been obtained from all women's prisons throughout the country at this time.

By the end of this period, the women prisoners in Holloway might receive local papers and certain magazines, sent to them each week by relatives and friends. The old magazines were collected and bound, and a prisoner might choose for her weekly reading one of these volumes of magazines, as well as her allotted number of library books. The reading of the majority of women prisoners seldom extended beyond such magazines and light fiction. A librarian officer might occasionally persuade a prisoner to attempt some biography or book of travel. The most effective and valuable means of encouraging experiments in reading was, however, the influence of evening classes in such subjects as current affairs, art and literature. An example of such influence was described by Miss Size, commenting on a new class in English literature introduced at Askham Grange.² 'The English master of Harrogate Grammar School gave a two hours' weekly course of instruction in English literature to a class of approximately thirty women. His subject aroused an interest and desire - hitherto sadly lacking in some of them - to learn more about authors and their works, and created an incentive to more profitable use of the library.'

All education - whether through classes, lectures or the reading

1. Banks, p. 257.

2. Size, p. 183.

of books - must endeavour to bring out the potentialities inherent in men and women. The majority of women offenders are not intellectual; educated women seldom find themselves in prison. Many women prisoners have, however, a certain store of imagination, which should be encouraged and developed if they are to be returned to society as good citizens. Prison life inevitably accentuates women's obsession with self, and their need for a life of fantasy to counteract reality. Activities which stir their imagination or stimulate their desire to learn are, therefore, of great value in helping them to escape from these fantasies, and from the limitations of self-interest. Such activities include lessons in cooking and handicrafts, lectures on art and music - and also the encouragement to read as widely as possible in the libraries provided in women's prisons.

Physical and Mental Health

Physical Health

The new Prison Commissioners, appointed in 1921, took a particular interest in the establishment of an efficient and progressive health service, to cater for both the physical and mental needs of men and women confined in the prisons and Borstals throughout the country. In 1926 they appointed Miss Beryl Carden to be Hospital Lady Superintendent at Holloway. She reorganised the prison hospital and nursing services, and replaced the prison officers who were performing nursing duties by trained nurses. Eventually trained nurses were established in all the women's prisons. When the Prison Nursing Service was established in 1928 Miss Carden became its first Matron-in-Chief. She visited the other women's prisons periodically, but remained

stationed at Holloway; and the efficiency of the hospital there, throughout this period, was largely due to her initiative and powers of organisation. When she retired in 1952, she was succeeded as Nursing Matron-in-Chief by Miss A.M. Hevey.¹ A well deserved tribute to her work and that of the Prison Nursing Service as a whole was paid in the report of the Prison Voluntary Advisory Nursing Board in 1958.² The Board, which was appointed in 1921 to advise the Commissioners on nursing matters, drew attention to the many and varied functions of the Prison Nursing Service, 'the chief of these being the care and observation of patients awaiting trial and remanded in custody for medical and mental reports. This is a vitally important aspect of the work and demands the greatest possible vigilance and care from the Sisters who are doing the work.... There are also the chronic sick amongst the prison population, and those whose behaviour disorders are such that they are admitted to the prison hospitals, sometimes for long periods. The care of mothers and babies is another part of the work, and there are Nursing Sisters at Askham Grange and Hill Hall open prisons, who supervise these women, and attend to the health of the community generally. The Prison Nursing Service plays a vital part in restoring many of these people to normality, both on the mental and the physical side.'

Hospital work in the women's prisons and Borstals was carried out in 1958 by State Registered Nurses, assisted by State Enrolled Assistant Nurses and by hospital orderlies. It was never easy to recruit sufficient numbers of State Registered Nurses to staff the

1. 1952, p. 108.

2. 1958, p. 9.

prison hospitals adequately, and the personnel within these hospitals changed very frequently. Miss Size, describing conditions at Holloway during the time she was Deputy Governor, mentions this rapid turnover of nursing staff. 'Some nurses,' she observed,¹ 'came to get the experience of dealing with delinquents and stayed a few months; others found there was not enough serious nursing to be done and felt they were wasting their time and their training. Some left to be married. Others felt they had a calling to make prison work a definite career and these remained; they were much a minority, but they constitute the nucleus of the Prison Nursing Service.' During the War, with the competing claims of the Services as well as of other hospitals, the shortage of nursing staff in prison hospitals was particularly acute. In 1946² the Commissioners expressed their concern at the continual struggle to obtain sufficient Nursing Sisters and Assistant Nurses. Difficulties of recruitment showed little signs of lessening ten years later. In 1957,³ the Commissioners again drew attention to the acute shortage of trained Nursing Sisters in women's establishments, although they observed that, towards the end of the year, there was a 'little improvement' in the position. Shortage of staff inevitably threw an extra burden upon those nurses established in the prisons and Borstals. By 1958⁴ the routine work of the hospitals was also increasing, as a result of the extension of ante- and post-natal care to all women and girls who were in need of such treatment. To help with this work a part-time physio-therapist

1. Size, p. 91.

2. 1946, p. 10.

3. 1957, p. 99.

4. 1958, p. 100.

was appointed to Holloway in 1958, and in the same year a part-time chiropodist started work in the prison. Her services were 'much appreciated by the elderly inmates.'

Pregnant women, sentenced to imprisonment, raised many problems of health and administration. At the beginning of this period, in 1922,¹ the Commissioners announced alterations in the rules regarding the detention of such women. They had formerly been kept in single cells, and provided with the means of communicating with an officer should they need help. These precautions were not, however, always effective. The Commissioners, therefore, decided that in future pregnant women should be confined in association, and should never be alone, either during the day or at night. In any case of emergency there would always be another woman at hand to summon help. By 1958, very few women had their actual confinements in the prison hospitals. Although these hospitals had excellent facilities for handling mid-wifery cases which did not involve complications, a woman was always given the opportunity to go to a public hospital outside the prison, if she so wished. In 1957,² 63 women were confined in outside hospitals, and 13 in prison or Borstal hospitals. In 1958,³ 62 women and girls were confined in outside hospitals, and only 6 Borstal girls were confined in the Institution hospitals. Those women prisoners who had their babies in outside hospitals, returned to prison or Borstal as soon as they were fit.

The Annual Report for 1958 mentions only one woman as being

1. 1922-3, p. 45.

2. 1957, p. 89.

3. 1958, p. 96.

released from prison 'on medical grounds.'¹ Premature release on these grounds was almost always due to the woman's state of advanced pregnancy. It had been the custom formerly to release women in this condition towards the end of their sentence, to avoid them being kept in prison - through confinement in the prison hospital and subsequent period of recovery - beyond the date on which they would normally have been discharged. Over the years, however, fewer and fewer women were discharged from prison prematurely for this reason. After it had become established practice for women to be confined in outside hospitals, and arrangements had been made with these hospitals to receive women prisoners, it was no longer necessary to release a woman some time before her child was due to be born. If the birth became imminent, she could be transferred immediately from prison to the hospital outside, and could then return home when she had recovered from her confinement.

Recorded experience from prisons throughout Britain suggested that the ailments of men treated in prison hospitals arose mainly from injuries or infections sustained while serving their sentences. The picture for women was very different. Almost always they needed treatment for conditions which had existed before their commitment to prison. As the Medical Officer of Holloway reported in 1952,² 'practically 38% of the admissions were in need of segregation and/or immediate physical attention in some form or other when received.' He noted that during this year 311 women prisoners had verminous heads, 82 were found to have body lice and 79 were scabetic. There were

1. Ibid.

2. 1952, pp. 142-3.

201 cases of syphilis and 187 of gonorrhoea.

The treatment of a large number of women for such conditions as body lice and scabies always formed a considerable part of the nursing work in prison hospitals. During the War the Commissioners commented¹ on the 'substantial increase' in the number of women prisoners requiring treatment for infested heads, which caused much extra work for the depleted nursing staffs. The majority of women prisoners, however, requiring hospital treatment were suffering from some form of venereal disease. Throughout this period, Holloway in particular had not only to treat large numbers of women and girls for syphilis and gonorrhoea, but had also to endeavour to persuade them to continue with this treatment after their discharge from prison.

In 1933² the Medical Officer at Holloway had reported the presence of a number of girls under 21, sentenced to seven to fourteen days' imprisonment. 'Most of these girls,' he observed, 'have been suffering from gonorrhoea or syphilis or both diseases. The mentality of all has been very low, either borderland cases of mental defect, or in one or two instances the cases have actually been certifiable. These prisoners have come in most cases from seaport towns. Many of the women or girls who are treated here never attempt to obtain treatment for their disease between their sentences in spite of our advice and warnings and the issuing of special pamphlets.' During the War years the incidence of venereal disease among women prisoners inevitably increased. Methods of treatment fortunately kept pace with this growth; but it seemed almost impossible to

1. 1939-41, p. 61.

2. 1933 - Parl. Papers, 1934-5, XI - p. 40.

persuade the women and girls to continue the cure, after they had been released from prison. In 1949,¹ the venereologist at Holloway observed that, 'in spite of their being given every possible assistance,' an 'alarmingly high' proportion of women prisoners ceased to attend clinics after discharge. In an effort to keep contact with these women, the L.C.C. had agreed to attach a V.D. social worker to the prison, who could 'get to know those women who are under treatment and endeavour to follow them up on release.'

The problems faced by this V.D. social worker grew no less with the years. In 1951,² the Commissioners reported that the 'lapse rate' of women attending clinics was still high, 'many women stating that they have no intention of attending an outside clinic.' One of the greatest deterrents to women continuing their treatment - as was pointed out in the Report for 1952³ - was their sense of shame at attending a V.D. clinic. It was not like other clinics, where the women could get together and discuss their ailments. The Report also mentioned the difficulty experienced by the social worker in tracing short-term prisoners, who had been released before the results of their V.D. tests had come through. Many gave false names and addresses, and others, after accepting the worker's offer to accompany them to the clinic, failed to keep the appointment. From 1953 to 1957 the total number of cases of venereal disease diagnosed among women prisoners fell from 703 to 404.⁴ Figures for syphilis fell consistently until the end of 1958. The equally consistent rise in

1. 1949, p. 64.

2. 1951, p. 83.

3. 1952, p. 143.

4. 1955, p. 118; 1957, p. 92.

figures for gonorrhoea, however - in 1958 there were nearly 100 more cases than in 1957 - brought the total figure for this year up to 457.¹ The treatment and 'after-care' of women prisoners suffering from venereal diseases still remained a major health problem at the end of this period.

Mental Health

In 1921 the presence of a large number of mentally unbalanced or deficient women and girls in the prison population seriously hampered the introduction of progressive training programmes. During this year a special mental diagnosis was made of all Borstal girls at Aylesbury,² 'in order to discover and separate cases of unstable or retarded mentality; and further, to ascertain the general capacity for education and training.' The Borstal authorities hoped that 'by this process the unstable or abnormal case on the borderline of mental deficiency will be separated and removed, if certifiable, to a Home; if not, for special treatment where it can be given. Where it cannot, the only alternative at present is discharge in order that the training of the other inmates may not be impeded by the presence of those who upset the discipline, but can derive no benefit from it themselves.' A considerable number of the convict women confined in Liverpool Prison³ at this time were also considered to be 'borderland cases of mental defect as defined by the Mental Deficiency Act, 1913.' The Medical Officer of the prison complained that the careful examination and consideration needed by these women, was 'made difficult by

1. 1958, p. 98.
 2. 1921, p. 20.
 3. Ibid, p. 48.

the fact that nearly all of them have already passed early adult age.'

The problem of how to dispose of such women and girls - weak-minded and unsuitable for prison discipline, yet not certifiable under the Mental Deficiency or Lunacy Acts - continued to cause anxiety for many years. In 1924¹ the Commissioners set aside a part of Holloway as a collecting centre, to which 'borderline' cases, serving sentences of three months or over, could be transferred. These prisoners would live in association, and be given simple occupations, in the open air whenever possible. The Commissioners hoped to place 'special attendants with special qualifications in charge of them, and further, if possible, to let such attendants undergo a course of training in handicrafts, etc., suitable for these feeble-minded people.' The Medical Officer at Holloway,² in this year, added his opinion that, apart from their mental condition, many of these women 'are physically unfit to earn their living at the few occupations that are open to them.' The prison also contained a number of young girls who were mentally defective, but not certifiable. The Medical Officer considered that such girls were 'not fitted for penal discipline; their conduct is too bad for the ordinary home and they are quite unemployable.'

In 1925³ the Commissioners expressed their view that 'it should be possible for a medical man to give his certificate in cases of mental defect, as he is empowered to do in cases of insanity, upon the patient's present condition, without having to ascertain past facts which may be insusceptible of proof.' Two years later an

1. 1923-4, p. 35.

2. Ibid, pp. 48-9.

3. 1924-5, p. 31.

Act¹ was passed by Parliament amending the Mental Deficiency Act, 1913. Section 1 of this Act, however, required definite evidence that a person had exhibited the condition of mental deficiency before the age of 18, before a certificate could be granted. This section hampered the work of Medical Officers in prisons during the rest of this period to 1958. Whereas the effect of the amending Act was to ease certification in many ways, and relieve the prisons of a number of mentally deficient offenders, it seemed unreasonable that Medical Officers should not be able to certify a person as mentally deficient on her actual condition (as was possible under the Lunacy Acts) without complicated investigations into her past history.

During the early years of this period, rather than ask for a medical report before passing sentence, many magistrates had continued the unsatisfactory custom of convicting men and women, and then sending them to prison with a request that their mental condition should be examined. In 1926,² the Governor of a women's prison quoted a typical case, in which 'a woman was sentenced to 14 days imprisonment and a report was asked for in 7 days. The prisoner was found to be certifiable as insane.' The Governor felt strongly that it would have been 'a simple matter for the Court to obtain a medical report as to a prisoner's state of mind. Such reports will prevent some insane or mentally deficient persons from being detained in such an unsuitable environment as a prison.' By 1934, however, the Medical Officer of Holloway³ reported that there had been some improvement in the Courts' sentencing policy. Fewer women were being

1. Mental Deficiency Act, 1927, 17 and 18 Geo. 5 c. 33.

2. 1925-6, p. 32.

3. 1934, p. 65.

committed to prison, if a medical investigation seemed necessary. He mentioned, however, one bad case, in which he had, in fact, submitted a medical report to the Court before conviction. Although he informed the Court that the woman was insane and certifiable under the Lunacy Act, the magistrates sentenced her to three months in the Second Division. 'It is hardly necessary for me to add,' wrote the Medical Officer, 'that I certified the woman and she was removed to a Mental Hospital.... In one or two other cases I have actually stated that the prisoner was mentally deficient and certifiable as such, and the court have set the person at liberty. In one of these the woman has since attempted suicide by throwing herself under a tram.'

After 1935, the main changes in mental health treatment in prisons and Borstals were concerned with men and women whose minds were unbalanced, rather than deficient. By this year attention had been focussed on the possibility of extending psychiatric treatment for difficult prisoners. In the Annual Report, however, Norwood East (then Medical Commissioner) sounded a word of warning. Only experts, he stressed, should conduct any form of treatment by psychotherapy. He was convinced that, unless cases for such treatment were selected with care,¹ 'harm might result and mental invalidism be suggested, which would antagonise other remedial influences.' Two years later, in 1937,² he again pointed out the need for careful selection of cases for treatment. Some prisoners might find 'that certain ameliorations in prison life result whilst undergoing investigation and treatment in prison, and endeavour to obtain preferential consideration falsely

1. 1935 - Parl. Papers, 1936-7, XV - pp. 58-60, at p. 58.
 2. 1937, p. 62.

declaring that they are pathological cases.'

The work of psychologists and psychiatrists continued to extend and develop in men's prisons throughout the country. In 1938¹ the Commissioners authorised the appointment of a 'woman medical psycho-therapist for work with women and girl offenders.' She worked at Holloway, on a part-time basis, and the success of her pioneer efforts led, in 1946,² to the appointment of a Psychiatric Social Worker, to assist her in background investigations. In this year the Commissioners also reported that the Psychological Unit at Holloway had given valuable help in allocating girls sentenced to Borstal training to the appropriate Institutions.

In 1951,³ Dr. Barbara Shorven, the psychiatrist in charge of Holloway, reported on the cases received for treatment during the year. Sixteen women - mostly prisoners undergoing corrective training - had been accepted for treatment. Dr. Shorven observed that 'they had had so much correction of some sort or another, usually starting in Approved Schools, that they seem to become so institutionalised as to lose their anxiety on re-entering prison, their difficulties in the outside world being almost completely shelved or repressed. Group therapy has been started with six of these trainees. These patients eat, sleep and live together in a small ward and already it has been found that they begin to take responsibility for each other.... There is a group meeting with the therapist once a week and individual psychotherapy is given when needed.' This experiment in group therapy continued through 1952.

1. 1938, p. 52.

2. 1946, p. 61.

3. 1951, p. 84.

Dr. Shorven found¹ that it was often near the end of their sentences that prisoners' real insecurity manifested itself. Their anxiety then increased, and they became accessible to treatment. In her opinion 'this is a feature of psychotherapy in prisons and is one which, when it occurs, must be exploited as far as possible.'

In 1955² the Commissioners reported that Dr. Shorven had dealt with 60 cases during the year, on an individual basis. Some of the women received intensive treatment; others proved unsuitable for treatment after a few preliminary interviews. The Psychiatric Social Worker at Holloway also continued to give valuable help, 'by obtaining background information as regards home conditions and family relationship, and by interviewing friends and relatives and discussing with them the best way of overcoming some of the difficulties of rehabilitation following discharge.' In 1958,³ 45 cases were referred to Dr. Shorven at Holloway. In this year she arranged to follow-up, in her clinic at the South London Hospital, some of the cases after they had been discharged from prison. The Report noted that in a few cases she 'tried to arrange out-patient supervision in their own immediate neighbourhoods after discharge; for example one attended a hospital in Brighton and expressed gratitude for this opportunity.' In this same Report, Dr. Shorven drew attention to the problems raised by some of the Borstal girls, sent to Holloway for treatment. 'Although few in number,' she observed, 'the very unstable and uncontrollable Borstal girl who is referred for treatment, presents an almost insoluble problem; psychotherapy in a prison is not very helpful, and

1. 1952, p. 105.
 2. 1955, p. 121.
 3. 1958, p. 103.

her behaviour in a mental hospital is, at best, most unacceptable.'

In their booklet on 'Prisons and Borstals', published originally in 1945, and revised in 1950 and 1957, the Prison Commissioners¹ stressed three essential conditions for satisfactory psychiatric treatment in prisons. The patient must be suitable for such treatment, be willing to undergo it, and have a sentence long enough for any course of psycho-therapy to be completed. The value of psychiatric treatment for prisoners continued to be a cause of controversy until the end of this period. In 1956² the Commissioners regretted that 'public statements about the suitability of particular offenders for treatment continue to be made in court or elsewhere; where this opinion is revealed by therapists to be ill-founded the inmate is often left with a feeling of grievance and a reduction in his sense of personal responsibility which may prejudice his training by other methods. It needs to be appreciated that the nature of an offence, and verbal expressions of a wish for treatment - especially before sentence - do not ipso facto indicate that the individual is suitable for specialised treatment.' Among women prisoners in general less desire was expressed for psychiatric treatment than among men. The small numbers of women also made careful selection of those suitable for such treatment an easier task. For certain women individual psycho-therapy clearly proved helpful in aiding them to solve their difficulties. The demand for psycho-therapy among women prisoners was, however, never likely to be as high in proportion to their numbers as it was among men, and accommodation for only 25

1. Prisons and Borstals, H.M.S.O., 1957 edition, pp. 73-4.

2. 1956, p. 123.

women and girls was envisaged at the psychiatric centre, which the Commissioners hoped to build eventually at Grendon Underwood.¹ A considerable proportion of men prisoners undergoing treatment had been sentenced for sexual offences; in women's prisons - apart from prostitutes - it was rare to find a sexual offender. Whether prostitutes would be suitable subjects for psycho-therapy in prison remained a matter of some doubt. The sentences awarded to them during this period would anyway have been far too short for any effective course of mental treatment. Moreover, on account of their reluctance to co-operate, and general instability, most prostitutes might seem unpromising subjects for psychiatric treatment in prison.

Clothing

The clothing issued to women prisoners in 1921 was both antiquated and impractical.² The main outer garments were a heavy blouse and skirt, the latter covered by a checked apron, tied round the waist. The women wore caps, and each carried with her - on a felt badge, fastened by a leather loop into the left shoulder of her blouse - her marks of identification, the numbers and letters of her cell landing and Division. Until 1925, women prisoners were known by their numbers rather than by their names.

In 1923,³ however, the Prison Commissioners appointed a committee to consider the problems of women's clothing. The recommendations of this committee were adopted in 1925;⁴ and although the

1. 1954, p. 101.

2. Size, pp. 68, 72.

3. 1923-4, p. 20.

4. 1925-6, p. 20.

Commissioners reported that the new pattern of clothing would only be introduced 'as replacements become necessary,' the workrooms of the women's prisons made considerable efforts to alter the old garments to resemble the new approved styles. Miss Size describes¹ how, in Liverpool Prison, 'with all haste we began to transform the ugly blouse and skirt into one garment. There was a large accumulated stock of blouses and skirts in the stores. These were withdrawn piecemeal and unpicked, and from the material we made tidy dresses. The old-fashioned aprons were dealt with in the same manner; neat pinafores were made from the check material and these supplanted the slovenly garments which were tied round the waist. The pinafore was provided with a pocket in which a woman could carry her pocket handkerchief, instead of knotting it to the band of her apron. This change made a vast difference to the appearance of the women and added a good deal to their self-respect.'

At this time women received their clothing from a common pool, on arrival at prison, and also whenever a new issue of clothes was made before garments were collected for the laundry. Under such a system it was quite impossible to ensure that any garment would fit the woman to whom it was issued. By 1932,² however, the Governor of Holloway was able to report that the 'kit system' had been established in the prison. A separate outfit was now set aside for every woman serving a sentence of more than six months. Efforts were made to provide her with underclothes, aprons and dresses which fitted her; these were numbered and 'remained her property' while she was in

1. Size, p. 72.

2. 1932, p. 48.

prison. Numbered racks in the clothing store ensured that her clothes were kept separate when they returned from the laundry.

Although the 'coat-frock' was an improvement on the old shapeless blouse and skirt, this dress could not encourage any woman to take pride in her appearance. Cicely McCall described it as a 'coarse cotton dress,¹ gathered into a square yoke at the neck but otherwise shapeless. It had a turn-down collar fitting close to the neck, and a tie of the same material, and its long sleeves, buttoning at the wrist, were lined. First offenders wore green dresses, and all other prisoners, dark blue. On top of this was worn a blue and white check sleeveless overall, buttoning down the back.' The undergarments gave even less encouragement to morale. They consisted of a² 'coarse unbleached calico chemise knee-length and voluminous, sometimes a travesty of a brassière made of the same material, and calico drawers. One could well understand why official terminology did not include the word "knickers". Prison drawers even of the smallest size resembled Victorian bathing-drawers on a preposterous scale. They were gathered into a band at the waist and bands at the knee.... In winter a grey flannel petticoat was supplied for the old ladies who felt cold.'

Until 1950 clothing for women prisoners remained unattractive and unsatisfactory. Wartime economies prevented the introduction of any new form of uniform, but before the end of the War the Commissioners appointed a Committee to consider prison clothing in general. They concluded that³ 'with the present style of prison

1. McCall, p. 11.

2. Ibid, p. 10.

3. 1942-44, p. 35.

clothing no great success is to be expected in getting men or women to take any pride in a good appearance.' In 1945¹ the Commissioners proposed 'drastic changes in the present style of dress, both outer garments and underwear.' They did not 'think it helpful that a woman's appearance should be a source to her not of pride but of humiliation;' and felt that there would be 'no objection to the use of cosmetics' if the administrative difficulties could be overcome.

Before 1945² Miss Size had been told by several of the women prisoners in Holloway 'that in prison they missed nothing more than their cosmetics, adding that they felt naked without them. Their craving for cosmetics was evident when one found that they purloined any substitute they could find - flour, chalk, red ink, red marking pencil, as well as grate polish and shoe polish for eyebrows. They often used part of their margarine ration to gloss their hair.' In 1946³ the Commissioners gave permission for all women and girls to bring into prison a 'reasonable amount' of cosmetics, and to be able to buy cosmetics with their earnings from the prison canteen. The Annual Report noted that, as a result of this innovation, morale as well as appearance improved greatly.

Meanwhile, although the new style of clothing had been approved, its distribution throughout the prison population was regrettably slow. In 1946,⁴ only the new Borstal at East Sutton Park received an issue, since 'the desirability of bringing the appearance of the girls into some conformity with their surroundings called for a special effort.'

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- 1. 1945, p. 73.
 - 2. Size, p. 123.
 - 3. 1946, p. 32.
 - 4. Ibid.

In 1947¹ Aylesbury was issued with new shoes, stockings and underwear, but the only general issue to women prisoners by the end of this year had been maternity belts. Women were also now allowed to wear their own corsets and brassieres if they wished, and the garments were suitable. After a short time, however, permission for prisoners to wear their own brassieres was withdrawn, as they were so often unsuitable and 'exotic' in style, although women might still receive such permission on medical grounds.

Not until 1950 was the issue of new clothing complete. The prison dresses were the last garments to be distributed. These were described in 1950 as² 'non-institutional in appearance', and offering 'a choice of colour to meet, to some degree, the personal taste of the women.' The Commissioners reported that they had had 'a cheerful effect in the women's prisons.' In Askham Grange the women were allowed to choose the patterns of their dresses, and under the guidance of Miss Size built up³ 'a book of dress designs. Copies of women's magazines and the daily and weekly newspapers were searched for ideas. A collection of neat, suitable styles was made and embodied in what came to be known as "The Style Book". Each woman had two dresses made to fit of her own choosing, and the psychological effect of this change of dress on the women was very noticeable. Each one looked, and I have no doubt felt, a different person. Pride in personal appearance increased, and with it a higher degree of self-respect.'

These changes in the style of women's prison clothing were a considerable improvement on the clumsy and ugly designs formerly in

1. 1947, p. 36.

2. 1950, p. 40.

3. Size, p. 185.

use. The greatest improvement was in the underclothing, which was now simple, practical and reasonably modern. White vests and pants were supplied, covered by petticoats, of different weights for summer and winter. As has been mentioned, women were allowed to wear their own ~~brassieres and corsets~~, if they so wished. The issue white nightdress, which inevitably became matted and shapeless after use and laundering, continued to be the least satisfactory garment. Cardigans were worn over the new-style prison dresses; and the women were provided with heavy black shoes for working and a pair of carpet slippers. In general, women in closed prisons wore cloaks and hoods when outdoors, while women in open prisons wore raincoats and berets. For outdoor work in the open prisons and Borstals, suitable clothing was issued to the women and girls. The girls at East Sutton Park wore dungarees, blouses and jerseys for their farm work; at Hill Hall the women working in the gardens wore dungarees, and large hats were provided for summer work. At the same time a small stock of the old voluminous heavy undergarments was kept for elderly women prisoners. This will probably always be necessary, as older women - especially alcoholics, who spend much of their lives in prison - feel the cold acutely, and would consider the light undergarments uncomfortable and unsuitable.

Prison clothing for women is still far from beautiful, but it must be remembered that any outer garment which can stand up to constant laundering, and also to alterations enabling it to fit a succession of short-term prisoners of varying shapes and sizes, is unlikely to keep its shape and freshness for long. Whatever criticism may be made of the official attitude to prison dress for women in the

past, there is no doubt that, since 1945, the Prison Commissioners maintained a policy which was both flexible and enlightened.

Prison Diet

In the Report for 1923-4¹ the Commissioners observed that for some time they had considered the prison diet 'not wholly satisfactory.' It was 'adequate in quantity,' but there was not enough variety in the food provided, nor were sufficient fresh vegetables included in the diet. A Committee was appointed, and as a result of its recommendations, the prison fare was greatly improved. Criticism of food in prison continued, however, and the diet was again revised after the outbreak of War. Sir Lionel Fox observed² that after 1940 'instead of an arrangement of set meals, a ration scale was drawn up for each prisoner in strict accordance with the civilian ration scale. Certain additions in the shape of culinary adjuncts were made. One of the criticisms of the old prison diets, and one not without force, was that they all tasted alike. The addition to the rations of such things as curry powder, herbs and dried fruit (or fresh fruit if in season) enabled the cooks to serve the food in more palatable form and with greater variation.'

In 1944³ the Department of the Scientific Adviser to the Ministry of Food conducted an investigation into prison food and reported to the Commissioners that the diet was, on the whole, satisfactory, but lacked sufficient Vitamin C. The Commissioners remedied this

1. 1923-4, p. 32.

2. Fox, p. 232.

3. 1942-44, pp. 69-70.

deficiency, and appointed a Catering Adviser in 1946,¹ to assist them with problems of prison food. They continued to experiment with changes of diet during the rest of this period, until 1958.

In 1947 there had been strong criticism in Parliament² that women in Holloway had nothing to eat or drink from 4 p.m. until the next morning. Cocoa had been served with the last meal, but the Commissioners now arranged that women prisoners should have tea at 5, and cocoa later in the evening, 'to save the long gap between tea and breakfast.'³ In 1955⁴ they introduced a special food allowance at Christmas. 1/- per prisoner was provided, to ensure more varied fare at this season. By 1956⁵ changes had been made in the traditional breakfast of porridge, tea, bread and margarine, and on several mornings in the week an alternative dish to porridge was provided. In 1958⁶ the Commissioners reported an increase in the allowance of fresh meat, potatoes and fresh fruit to each prisoner. Less sausage meat was being supplied to prisons. These changes, in their opinion, would 'not only improve the diet generally but will assist cooks in producing a greater variety of meals.' By the end of this period a cooked tea was provided on most days in the week, and a 'snack' with the evening cup of cocoa.

At the beginning of this period there was considerable criticism, not only of the quality of the food, but also of the methods by which it was served. The old tin mug - without a handle - and tin plate

1. 1946, p. 5.

2. 433 H.C. DEB. 5s, 1947, 710, 711.

3. 1947, p. 36.

4. 1955, p. 120.

5. 1956, p. 126.

6. 1958, p. 98.

and knife, issued to each prisoner, were replaced by enamelware before the War, but meals transported to cells were still carried in metal tins. As Sir Lionel Fox wrote in 1952,¹ the tin container was intended simply for transport, but 'apart from its inefficiency for that purpose it has the effect of reducing any meal, however well prepared, to an unpalatable slush before it gets to the plate.' In 1950,² experimental compartmented trays were introduced, made of melamine, but although the trays proved a success, the plastic material was not practical for prison use. In 1957,³ stainless steel compartmented trays were introduced in their place. By this time the practice of eating in association had been extended to all prisons. Many men's prisons had canteen arrangements, which proved very successful. Women's prisons, however, continued to favour service at small tables, generally for four. Only breakfast continued to be served in cells in the large prisons; but at Askham Grange and Hill Hall this too was eaten in association.

1. Fox, p. 235.

2. 1950, p. 40.

3. 1957, p. 97.

Chapter 18

PRISONS IN ENGLAND AND WALES: 1921 - 1958

PART IV - BORSTAL TRAINING

In 1921¹ the Annual Report of the newly appointed Prison Commissioners stressed the particular importance of choosing the right type of officers to teach in Borstals, with sufficient personality to influence both those with whom they worked, and also the young men and women under their charge. Careful selection of staff was even more essential in girls' Borstals than in those for boys; and a large number of women who entered the Borstal service proved unsuitable for permanent employment, or withdrew after a short time. In 1954² the Commissioners observed that this failure to settle in the service was frequently due to the officers themselves realising that they were unsuited for the work. This, they reported, 'is not surprising, as the work of a woman Borstal officer demands high qualities and exacts a considerable toll both physically and mentally from those who undertake it.... The problems confronting them remain constant - a large community of girls untrained to work or discipline, many of low mentality, are unlikely to take easily to an ordered life, and although there is much in their training that they enjoy, their progress is often spasmodic and unpredictable. They have lived on the wrong sort of excitement for so long that a steady course, even in what they see to be the right direction, seems to them to be unbearably monotonous.'

1. 1921, p. 20.

2. 1954, p. 78.

During this period, however, a number of able and enlightened women entered the service, and the progress in training for girls from 1921 to 1958 is, indeed, largely due to the work of the women Governors of Borstal Institutions, two of whom - Dame Lilian Barker and Miss Molly Mellanby - became members of the Prison Commission before 1958.

In 1923, on the retirement of Miss Arbuthnot, Miss Lilian Barker was appointed Governor of Aylesbury, at this time the only Borstal Institution for girls in England and Wales. Miss Size observed that shortly after Miss Barker came to Aylesbury,¹ 'the atmosphere of the Institution changed completely; the spirit of friendship and co-operation developed and the tension that had previously existed disappeared.' Miss Barker's strong personality may have appeared formidable to some who worked with her in her later years. There is no doubt, however, that recognition of the importance of Borstal training for girls could not have been achieved at this time without her initial drive and energy. Her pioneer work at Aylesbury resulted in the development of a more enlightened concern for the girls' welfare, both while at Borstal and after their release, and in the eventual expansion of training to include open as well as closed Institutions.

At this time the number of girls confined in Aylesbury was diminishing yearly; and in this small but difficult community Miss Barker - with the able assistance of her staff, which included Miss Size - began to put her ideas of training into force. 'Smashings-up' were still the accepted method for girls to express their grievances at Aylesbury. Cicely McCall² has described how 'a determined smasher

1. Size, p. 46.

2. McCall, p. 170.

will tear her sheets and blankets into shreds; break the legs off her chair and wash-stand by hurling them against the door; tear leaves out of her library books and Bible; smash her mug and plate; and then with the heel of her shoe break as many panes of glass as time and strength permit.' The 1923 Report¹ observed that the only way to counter this phase of life at Aylesbury was 'to provide more outlet for the pent-up emotions of these girls. Punishment alone will not suffice.'

These outbreaks, in fact, could not be considered merely as expressions of grievance on the part of the girls; they were also a symptom of the general boredom and apathy which existed in an Institution whose routine was restricted and monotonous. Although the regime introduced by Miss Barker relieved the monotony to some extent, the forbidding surroundings of the old Prison and Inebriate Institution hampered all experiments with progressive training. The main occupation of the girls continued to be domestic work, since the majority expected to go into domestic service on their release from Borstal. During the years before 1939 such service seemed to be² 'practically the only occupation in which there is any demand for women.' There were, however, inevitably many girls at Aylesbury who were temperamentally unsuited for domestic work as a career. Miss Barker complained in 1925 that for them all other fields of employment were³ 'barred by the lack of machinery at the Borstal.' In that year, however, she reported that the 'entire system of education' had been

1. 1922-3, p. 69.

2. 1932, p. 45.

3. 1924-5, p. 55.

revised.¹ 'Classes are held each evening from 5.30 to 8 p.m., and each inmate is allowed to select two subjects of general education and two handicrafts. Special classes are also organised for those below a definite standard, and a selected number of the more intelligent girls are coached for commercial work. All school work is a privilege, to be withdrawn when behaviour is bad, and the classes are so enjoyed that this rule has had a salutary effect on the general behaviour. The appointment of a handwork instructress has resulted in a development of the work on the handicraft side, and the results have been surprisingly good.'

Although there is mention in 1929² of two hand-looms being erected to start a new industry of hand-weaving, during the following years there appears to have been little extension of this work. Nor was there any great scope for outside occupations in the grounds of the Institution. Surrounding the buildings at Aylesbury was a high, red brick wall, and beyond this a small farm and a playing-field forming part of the Borstal grounds.³ The field was not, however, used for organised games. At the weekends the more senior girls were allowed to sit or walk about in it under the supervision of officers. The farm contained a few cows, pigs and hens, but only seems to have provided work for one officer and about six girls.

The training in domestic work at the Borstal suffered from the lack of skilled instructresses, in the kitchen, laundry and sewing-room. The girls used electrically driven sewing-machines, but even the more competent were not instructed to use them with sufficient

1. Ibid.

2. 1929, p. 34.

3. McCall, p. 159.

skill to be employed as dressmakers on their release. In 1933 the Committee on the Employment of Prisoners¹ reported that they considered the programme of training at Aylesbury 'well adapted to the needs of the girls detained there.' The mildness of their criticisms was due to the efficient routine introduced by Miss Barker under most unpromising conditions. She achieved some variety of employment for the girls, by moving them round every three months during the first year of their sentence,² so that they might at least gain experience in needlework, laundry and housework, cookery, and outdoor work such as poultry-keeping and gardening. She also took a deep and personal interest in their progress through the various Borstal grades, until they were eventually released from Aylesbury on licence.

On arrival at Aylesbury a girl was admitted to the Ordinary grade, and housed in the main block of the Institution.³ She wore a blue and white striped frock, and - since she attended few evening classes - spent the majority of her time in a room furnished like a prison cell. In the Intermediate grade she wore a similar frock with a bar on the sleeve. After about a month, if she was free from venereal disease, she was transferred to 'pro-side,' a separate building, and given a room with better furniture and a parquet floor. She had meals in association, sitting at tables for six or eight girls, and was allowed to talk while in the dining-room. Girls in the Probation grade wore butcher blue collars and cuffs over their frocks. After a certain length of time, provided she had behaved well, a girl

1. Cttee. on the Employment of Prisoners, 1933, Pt. I, p. 81.

2. Size, p. 49.

3. McCall, pp. 159, 165, 243.

was promoted to the senior grades - the Special grade, where she wore a red collar, and the Star grade, which entitled her to a white collar. Girls in the senior grades had periods of recreation every evening, instead of only at the weekends. They might also walk about the Institution by themselves. A Borstal girl in one of the lower grades had always to be accompanied by an officer. Promotion from one grade to another was entirely at the discretion of the Governor and staff. To qualify for discharge a girl was expected to have reached the Star grade and completed her training. Cicely McCall, however, complained that¹ 'as there were no tests to be passed, this really only meant that she should have sat for so many weeks in the workroom, stood for so many weeks in the laundry, and walked about for as many more in the kitchen and in the officers' quarters.'

Although the number of girls committed to Borstal varied little from year to year at this time, the population of Aylesbury was never an easy one to manage. It always included a number of girls who were pregnant on admission to the Borstal, and therefore unable to fit in with the normal routine. Other elements in the community might vary in their types of aggressive and unstable behaviour. In 1927,² for example, a large part of the population were girls who, though not 'outwardly as subversive to discipline as some of the rougher types received in previous years...are more experienced in crime and more difficult to train than the really rough girls whose faults appear on the surface.' In 1930,³ a number of girls who had escaped from Reformatory Schools were received together. Having succeeded once

1. Ibid, p. 180.

2. 1927, p. 21.

3. 1930, p. 48.

in escaping without much difficulty, further schemes for absconding were constantly in their minds, and alliances formed in the Schools continued at Aylesbury. Miss Barker found them 'very uncontrollable.' She welcomed the appointment, in 1931,¹ of a Tutor for Physical Culture. 'Many of the girls have an abundance of high spirits and energy,' she wrote, 'and if this can be directed into the right channels and their energy used up for physical culture and exercises, we find they go to their rooms at night, tired but less excitable and ready for rest with healthy exhaustion.'

One constant factor remained, however, throughout these years - the depressingly low standard of intelligence of the majority of Borstal girls. In 1932,² the mental age of the girls at Aylesbury was exceptionally below normal. They found it difficult to concentrate and to learn the simplest methods of work, and the Governor considered that for them a much longer period of training was necessary than formerly 'to wipe out their old habits and instill some idea of method and cleanliness.' A community containing so many girls of low intelligence faced considerable difficulties, both in training and in discipline. By 1932 it was becoming increasingly difficult to find suitable girls to take positions of responsibility in the Institution, as monitors and grade captains.

In 1933,³ the Commissioners noted that the areas of England and Wales from which the population of Aylesbury had been drawn had changed greatly in recent years. Manchester and Wales had formerly contributed a large number of girls, but - possibly due to energetic

1. 1931, p. 45.

2. 1932, p. 45.

3. 1933, p. 38.

relief work in these areas - in 1933 there was only one girl at Aylesbury from Wales, and very few from Manchester. 34% of the population came from the London area; the homes of the rest were distributed between Surrey and the Northern counties. From 1928, the control of after-care for these girls had been taken over by the Aylesbury Association, formed under the Directorship of Miss Barker, with the Aylesbury Visiting Committee as its Council. As the work of the Association extended, the limitations of combining the offices of Governor of Aylesbury with that of Director of Borstal After-Care became apparent; but the Association's experience acquired during the early years at Aylesbury, and the information made available regarding the needs and problems of Borstal girls, before and after their release, provided a foundation on which a more effective system of after-care could eventually be built. When Miss Barker was appointed an Assistant Commissioner in 1934, the Association moved to London.¹ Miss Barker remained as its Director, and continued to take an active interest in Borstal training for girls until her retirement in 1942.

Miss Molly Mellanby took over as Governor of Aylesbury in 1934. The population she inherited was even less promising than that which faced Miss Barker in 1923. The 1934 Report² noted that 'the old ho@ligan type of girl, with sound character at bottom, has entirely disappeared, to be replaced by crafty girls with low cunning, who are undisciplined and lazy. Many of them have gone much too far on the downward path before they are sent here, and we cannot hope to achieve the same results with this material.' Even with the more intelligent

1. 1934, p. 32.

2. Ibid, p. 60.

and trainable girls, it was not easy to provide occupations outside the daily routine of an Institution, whose buildings offered little scope for progressive training.

In 1937, however, the new earnings scheme introduced by the Commissioners came into force at Aylesbury, and Miss Mellanby was able to report an improvement in behaviour and morale by the end of the year.¹ The girls earned, on average, from 2d. to 10d. a week. They spent most of this money 'at the weekly canteen, which stocks not only sweets, cigarettes, cake, biscuits, etc., but dress trimmings, scarves, hair curlers, soap, and anything short of lipstick calculated to minister harmlessly to vanity.... The standard of work is also more easily maintained with the incentive of wages, and the loss of a full week's wages for a girl who refuses to work is a punishment which is neither lightly incurred nor resented when it has been incurred, since it appeals to the girls' idea of fairness. It is to be observed too that destruction of Institution property is becoming increasingly rare, since damage done wilfully is paid for from the culprit's earnings. "Smashing" has entirely ceased since one girl ran up a bill for 8s.10d.'

During the next year Miss Mellanby introduced two schemes to increase the freedom and sense of responsibility of the senior girls at Aylesbury.² Girls of the Star and Special grades were allowed to come and go as they liked within the building, and were not locked into their rooms. The object of this was 'not for them to flaunt their liberty by roaming, but to prove to themselves that they can keep

1. 1937, p. 65.

2. 1938, p. 54.

a rule which is not enforced.' During the last six months of their sentence the girls were allowed to go out at the week-ends in groups of three. To provide an object for the excursion they were usually given a shopping list, and their behaviour appears to have been 'most circumspect.' Parties of girls also went to camp each year, the money being provided by 'generous friends.'¹

With the growing tensions of the immediate pre-War years, however, the prospect of a more progressive training routine being introduced at Aylesbury began to look less and less hopeful. In January, 1938,² there were 112 girls in the Borstal, but by August the number had risen to 141, and it varied between 130 and 140 for the rest of the year. This increase, wrote Miss Mellanby, although 'apparently slight, represents the difference between the smooth and the uneasy working of the Institution. There were often 40 girls in the main hall, without a proper dining or recreation room, with fewer amenities of all kinds, and sometimes obliged to wait 6 months for a vacancy on probation side, and discipline naturally suffered from their inability to work off their spirits except by excessive noise. In order, too, to avoid the overcrowding of parties in which the work was limited, the work-room was filled to capacity, and here too the officers were faced with the choice of allowing an inordinate amount of conversation or of constantly checking the girls for what was perfectly natural, but a cause of disorder.' From this time until after the War, apart from a sudden temporary decrease in population in 1939, Aylesbury suffered from serious overcrowding. The enlightened

1. 1925-6, p. 21.

2. 1938, p. 53.

schemes of training envisaged by Miss Mellanby could not be put into practice during the remaining years she spent at Aylesbury. It was, indeed, a considerable achievement that the Borstal Institution remained as orderly and disciplined as it did during the most difficult period of its history.

On the outbreak of War, all Borstal girls having less than six months of their sentence left to serve - except for those considered quite intractable - were released from Aylesbury. The population dropped to 33 in September;¹ but by December 1941 there were 163 girls in the Borstal. During the first months of the War a number of women prisoners and girls whose Borstal licences had been revoked, were sent from Holloway to Aylesbury. In 1941, however, the waiting-list of girls in local prisons, sentenced by the courts to Borstal training, but unable to find a place at Aylesbury, was so large that the Commissioners decided to return the women prisoners to Holloway and bring 70 girls from prisons to the Borstal in their place.

By the time Miss Mellanby left Aylesbury to become an Assistant Commissioner in 1941, many of the pre-war experiments she had introduced to improve the Borstal training had been discontinued. The only girls remaining in the Borstal after the discharge at the beginning of the War were those who had been too short a time in the Institution to absorb its traditions, or who were too unstable to take any form of responsibility. As the numbers of girls sentenced to Borstal training increased, the period of training at Aylesbury had of necessity to be shortened, in order to avoid long waiting-lists in the local prisons. Few girls stayed in the Borstal long enough to

1. 1939-41, p. 52.

be fitted to assume senior positions and take responsibility. The majority continued to be restless, unstable and mentally backward, and of those who behaved well a considerable number did so to obtain an early release, and contributed nothing to the life of the Institution.¹ The time spent by most girls at Aylesbury was quite inadequate to teach them new skills, or even to improve their habits of work. The one progressive scheme of employment inaugurated at the Borstal during the War was the establishment, in 1943,² of a radio factory in the Institution, set up as an off-shoot of E.K.C.O. The factory was run 'by a Borstal Institution instructress working under the direction of the firm's employees, many of whom were men.' The Governor reported that the experiment 'proved most successful, largely because it provided what is usually lacking in prison and Borstal Institution workshops - very nearly normal outside conditions.' The work provided by the factory was a most valuable addition to the training of the Borstal girls, and its closing in 1945,³ at the end of the War, a great loss to Aylesbury.

Miss Mellanby had been succeeded as Governor of Aylesbury by the Hon. Victoria Bruce, and when Miss Bruce left to become Governor of the main Scottish women's prison at Duke Street, Miss Joan Martyn took her place. Miss Martyn was particularly suited to the task of dealing with the type of girls who were confined at Aylesbury, especially after the establishment of the open Borstal at East Sutton Park. Her interest in their individual problems, and flair for controlling the more difficult girls, who were not considered suitable

1. 1942-44, p. 62.

2. Ibid.

3. 1945, p. 49.

for training under open conditions, made her an outstanding Borstal governor. She took a special interest in physical training as a means of helping unstable girls to adapt themselves to the discipline provided at Aylesbury.

In 1944 a second radio factory was set up in a Wing of Holloway¹ when girls whose licences had been revoked were removed from Aylesbury to the prison. In spite of the temporary relief caused by this transfer the Commissioners admitted in 1945² that 'the long period of over-population, the growing strain on the small staff, and the short period of training necessary to make room for those waiting had combined to produce a situation of restlessness and indiscipline among the girls and a feeling of wasted effort among the staff.' At all costs the numbers at Aylesbury must be reduced, if any suitable training was to be given to girls confined there. To achieve this result no girls were to be admitted to the Borstal for three months from December, 1945; and two small units were set up in Holloway and Durham Prisons, where girls awaiting transfer to Aylesbury could receive a modified form of Borstal training. After a short while the Wing at Holloway became a Reception Centre for Borstal girls, but the success of the Durham unit caused the Commissioners to establish a similar unit of about 30 girls at Exeter prison, and adopt them both temporarily as Borstal Institutions. By the end of 1945, the population of Aylesbury had been reduced to 100.

During this year the Commissioners had expressed their view that Aylesbury was 'wholly unsatisfactory' as a Borstal Institution.³

1. 1942-44, p. 62.

2. 1945, p. 49.

3. Ibid, p. 73.

They considered that there should be two Borstals, one for girls with better records, the other for those less stable and less amenable to training. In the Report for 1946,¹ the Commissioners noted that 'marked progress' had at last been made 'towards a system of Borstal training for girls which, by allowing for the first time of classification in varying types of Institution, should be more effective than has been possible hitherto.' Three main factors had assisted their work; the fall in the number of girls committed for training - who averaged 220 in 1946, as against 380 in 1945; improved recruitment of staff; and the opening of a new Borstal Institution for girls in a country house at East Sutton Park in Kent. Plans to purchase a second house had been suspended, owing to the falling numbers. By the end of 1946 the one over-crowded, unwieldy unit at Aylesbury had been replaced by four different types of Borstal Institutions, at East Sutton, Aylesbury, Durham and Exeter. The Reception Centre continued at Holloway.

The establishment of East Sutton Park as an open Borstal, with Miss Elsie Hooker as Governor, changed the whole picture of Borstal training for girls in England and Wales. Much of the success of this experiment was due to Miss Hooker's outstanding ability, insight and humanity. When East Sutton was opened, only seven girls formed the pioneer group, and the numbers admitted to the Borstal were increased slowly up to the full complement of sixty, 'in order to maintain the very strong spirit of both personal and communal responsibility which has been induced by this first venture.'² The new community was

1. 1946, p. 57.

2. Ibid, p. 58.

welcomed by the neighbourhood, and the establishment of friendly relations was greatly assisted by the tact and local knowledge of Miss Hooker.

The forms of employment offered to girls at East Sutton included a variety of indoor and outdoor work.¹ Each girl was expected to work in the kitchen for two months, and to learn housework and home-laundry work. Domestic work, needlework and housecraft² - 'taught on lines that will fit the girls to run their own homes' - formed a major part of the training programme. During the first week after her arrival, a girl was set to work in the sewing-room. This period of peaceful and sedentary work, under a sympathetic instructress, helped to stabilise the girl, and gave an opportunity for the staff to observe her character and capabilities. The girls were not employed in housework at East Sutton until they had had some time to become accustomed to the house itself. The polished woodwork and large, gracious rooms were so unlike the girls' homes, that during the period immediately after their arrival, incessant nagging would have been needed to achieve any adequate standard of care. After a few weeks, however, the girls became acclimatised to the atmosphere of the house, and were then able to take pride in keeping it in good condition.

Some girls specialised in indoor work and spent most of their time at East Sutton working in the house. Others worked on the farm, which grew in size from year to year. The girls built a modern dairy

1. For descriptions of training at East Sutton during the years 1955-58, see 1955, p. 101; 1956, p. 100; 1957, p. 79; 1958, p. 86.

2. 1946, p. 57.

and extensive piggeries, since pigs proved to be particularly profitable. They painted the house, outside as well as inside, and pointed the garden walls. Many of them showed considerable aptitude for this building and maintenance work. The gardens provided employment for many girls, and, once the Borstal was well-established, their labour was much in demand with local farmers during the fruit and hop-picking seasons. The importance of developing a sense of responsibility in the girls at East Sutton was always stressed. The 1954 Report¹ noted that 'except when she is learning a job no girl is supervised or reminded of her duties, and the knowledge that the staff or the animals will go hungry if the staff-kitchen or farm girls neglect their jobs has a very salutary effect.'

Durham Borstal closed down in 1947. The Commissioners observed that both Durham and Exeter Borstals,² 'in spite of unsuitable buildings and consequent obvious limitations in the training offered, had achieved at least partial success, largely because they had the great advantage of small numbers and because the staff were unsparing in their efforts to make the most of this advantage by giving to each girl personal study and care.' With the increased facilities for training in the other Borstals, it had become possible to extend the period of training for girls. The 1947 Report³ noted that it was 'heartening to see for the first time since 1939 the red tie of the Special Grade girl, who, after a minimum qualifying period of twelve months, is invested with the privileges and responsibilities which

1. 1954, p. 78.

2. 1947, p. 59.

3. Ibid, p. 60.

make her a valuable member of the Institution.' During 1948,¹ the average period of training for a girl at Aylesbury and East Sutton was 21 months, and at Exeter nearly 18 months. The figures in 1947 had been, respectively, 17½, 17 and 15 months. It was appropriate that in 1948, after East Sutton Park had been opened for three years, and its programme of training well established, girls should have ceased to be sentenced to 'Borstal detention,' and instead be sentenced to 'Borstal training.'

At the beginning of 1949, Holloway still contained two groups of Borstal girls, at the Recall Centre and at the Reception Centre. After disturbances in the Prison in 1949 the Recall Centre - for girls whose licences had been revoked - was moved in 1950 to Exeter,² which ceased to be a training Borstal. The twelve girls who remained at Exeter were distributed between Aylesbury and East Sutton. The 1950 Report³ observed that the three girls thought suitable for open training, 'although already partially trained in a small institution with much personal attention, found it extremely difficult to stand up to the responsibilities of life at East Sutton. This tends to confirm the belief that one open Borstal of the type of East Sutton is all that the present population requires, and that the next development should be to break up Aylesbury into smaller units, with varying degrees of security.' In 1949,⁴ after many postponements, the Reception Centre was finally abandoned. From this time until 1957 all girls sentenced to Borstal training went first to Aylesbury, and

1. 1948, p. 56.

2. 1950, p. 69.

3. Ibid.

4. 1949, p. 59.

after spending about a month there, those considered suitable for training in open conditions were transferred to East Sutton.

Consultations between the Governor, Medical Officer, House Mistresses and House Officers decided which girls were suitable for transfer.¹

The 1950 Report noted that the number of absconders from East Sutton had dropped from 20 to 29 occasions in 1949 to 16 on 18 occasions in 1950; it would seem, therefore, 'to indicate that the method of selection, in this respect at least, is not less successful than it was with an Allocation Centre working on more formal lines.'

It had soon become clear that only a limited number of girls sentenced to Borstal would profit by the training provided at East Sutton. In 1948,² eight girls were transferred back to Aylesbury and Exeter, after a short period in the open Borstal. The Report observed that 'in almost every case they have shown marked relief at the removal of what seemed to them an unbearable burden of responsibility, and it is clear that for many girls slowly graduated freedom is what they both want and need.' In girls' Borstals, however, absconding had never been as serious a problem as it had been in Borstals for boys. During their temporary freedom girls seldom committed criminal offences. The danger was rather to themselves than to society, since through lack of money and natural inclinations they tended to become promiscuous, and might then return to the Borstal pregnant. In 1949³ the Commissioners observed that it was difficult to believe that there was usually any reason for a girl absconding 'other than desire for the constant change and thrill which has characterised her feckless

1. 1950, p. 69.

2. 1948, p. 57.

3. 1949, p. 60.

life hitherto. It is the act of escaping which attracts her rather than the next stage, which she often does not even consider. One absconder from East Sutton provided proof of this by ignoring a wide open front door and lowering herself from her bedroom window on knotted sheets.' Those girls who absconded from East Sutton nearly all did so in the early stages of their sentence. In a typical year, such as 1955,¹ whereas 23 girls absconded during the early part of their sentences, all of the 15 girls who went home on leave towards the end of their training returned punctually to the Borstal.

From 1949 to 1957 Borstal training for girls continued under open conditions at East Sutton, under closed conditions at Aylesbury, and, for girls recalled for further training, at Exeter. The small Institution at Exeter faced two main problems, instability and apathy. Girls who had failed during their period on licence tended to be unstable, lazy and disheartened. When they returned to Exeter, even if they had worked well at the end of their original Borstal training, their habits of work had generally deteriorated. It was not easy to form a stable community with such material. Even when the girls were energetic and lively, such energy was difficult to divert into useful channels.² More often, however, the girls were entirely apathetic about the extension of their training. The 1951 Report³ noted that many of them 'do not mind coming back, do not much mind how long they stay and can with difficulty be persuaded to give serious thought to the future. The failures of the training Borstals tend to be the girls of low intelligence and weak character, and except during periods

1. 1955, p. 101.

2. Ibid, p. 102.

3. 1951, p. 77.

when there has been a leaven of girls with stronger personalities the inclination has been to relapse with relief into an existence in which all major decisions are taken out of their hands. The staff never accept this situation, however, and have succeeded in galvanising into mental and physical activity a good many passive resisters.' A Recall Centre cannot hope to achieve much in the way of constructive training. It can, however, encourage a girl to take pride again in her work; and the extension of training may enable her to make wiser decisions when she is released for the second time. A girl's former unhappy experiences on her first release may cause her, after recall, to rely more on the help offered by the Central After-Care Association, rather than on her own resources. She may also decide not to return to certain districts (where circumstances might encourage her relapse) and may decide to avoid the company of certain members of her family.

In 1958¹ the Commissioners announced their intention of moving the Recall Centre back to Holloway, and also decided to break up the population of Aylesbury into small units. The Borstal Institution at Aylesbury had continued to be unwieldy and difficult to control. In spite of efforts to provide outside contacts for the girls, through shopping expeditions, concerts, matches against outside teams and church activities, the training remained restricted, and was always limited by the physical surroundings of the old Institution. Since any girl who seemed likely to profit by training in open conditions was transferred to East Sutton as soon as possible, only the least

1. 1958, p. 86.

intelligent and most refractory girls remained at Aylesbury. As the Report for 1950¹ observed, 'girls of sub-normal intelligence, unaccustomed to discipline by others and incapable of self-discipline present grave behaviour problems in a large group.' The appointment of two full-time teachers² created more interest in the classes provided, and pulled up the standard of education at the Institution. This was particularly important to achieve good results from unstable girls, to whom life in a large community was either over-exciting or overwhelming. In 1956 and 1957,³ however, the Commissioners observed gloomily, of Borstal girls in general during these years, that the girl who from the start appeared to be good trainable material was seldom seen. After the more promising girls had been selected for East Sutton, the task of training the remainder was bound to be arduous and discouraging.

As has been mentioned, the Commissioners' plans to close Aylesbury as a Borstal Institution were announced in 1958.⁴ Three small training Borstals were to be established - at Exeter (once the Recall Centre was moved to Holloway), at Durham, and in the former women's wing of Cardiff Prison. There were certain obvious disadvantages in these plans, since all the small units would be housed in part of a prison, and there would be less space for workroom and physical activities than at Aylesbury. It was hoped, however, that 'the highly unstable girl of low mentality who forms so considerable a part of the present population will find the smaller setting less

1. 1950, p. 69.

2. 1951, p. 76.

3. 1956, p. 99; 1957, p. 78.

4. 1958, pp. 85-86.

disturbing.' These small 'prison' Borstals were, anyway, only an interim solution, until two larger Borstals, one an open Institution on the lines of East Sutton, and the other a closed Institution, could be established. Bulwood Hall, in Essex,¹ had been acquired for the latter purpose, but by 1958 building progress was so slow that the Commissioners decided to go ahead with their temporary plans for Exeter, Cardiff and Durham. Considerable alterations were necessary to adapt the Bulwood Hall site for a closed Borstal, and to provide hospital accommodation for all pregnant girls, or girls with babies. As a temporary measure the Commissioners announced in 1958 that the former officers' quarters in Manchester were to be adapted as a unit to receive such girls.² Aylesbury had always been the Borstal which received girls who were pregnant when sentenced to training. Such girls were naturally not only unable to follow the normal routine of the Institution for some time before and after the birth of their babies, they were inclined to take advantage of this incapacity, and were quite unsuitable to form part of a large community devoted to Borstal training. It may be doubted whether any form of Borstal training is suitable for young women who are pregnant. While courts continued to pass such sentences, however, a separate unit, such as that established temporarily at Manchester (and eventually, it was hoped, to be set up at Bulwood) provided a far more satisfactory solution to the problems of pregnant girls than could ever be achieved in a large Institution such as Aylesbury.

The Report for 1957³ noted that the poor quality of Borstal girls

1. 1957, p. 79; 1958, p. 85.

2. 1958, p. 86.

3. 1957, p. 78.

generally, received during the year, affected East Sutton as well as Aylesbury, since although East Sutton 'continued to receive the best of the intake many of these responded more slowly than usual to the demands made upon them by training in open conditions.' During the preceding year East Sutton had celebrated its tenth anniversary.¹ The Borstal had been presented with a garden seat, on which was inscribed the words 'From your Friends', and this warm acceptance by the village and local organisations of the girls and their activities was of immeasurable advantage to Miss Hooker and her staff. The Progressive training in both outdoor and indoor work continued, but the Institution underwent a considerable strain during the next two years, since both staff and girls were recruited from East Sutton to establish the second open Borstal at Moor Court, in Staffordshire, early in 1958.² However, the Commissioners reported that the only noticeable change was an increase in the number of absconders during the year. The usual wide range of outside activities continued, and the fact that many of the clubs were mixed was of particular value, 'as the girls become accustomed to ordinary social contacts with boys, and working with the men on our own staff also helps to make male companionship an ordinary feature of their lives instead of a rare excitement.'

Little alteration was needed to enable Moor Court to be opened in 1958, with Miss Isabella McWilliam as its first Governor, and a small party of staff and girls from East Sutton. A dormitory wing was later to be added, which would provide accommodation altogether for about fifty girls.³ The Commissioners hoped that eventually all north

1. 1956, p. 100.

2. 1958, p. 86.

3. 1957, p. 79.

country girls thought suitable for open conditions would be sent there. By the end of 1958 it was reported that the house was¹ 'not only habitable but immaculately kept, and the standard of work expected of the girls is deliberately kept very high.... From the outset the village community accepted the advent of a Borstal not only without demur but with a positive welcome.' This second open Borstal seemed likely to follow the tradition established so successfully at East Sutton.

Although outdoor work formed such an important part of the scheme of training at East Sutton, it was not envisaged that the girls would eventually find work after release on farms or market gardens. The Report for 1949² noted that the learning of a new skill was 'of great value in creating some pride in themselves and their achievements, but it is not to be supposed that they will take up such work on discharge. In fact most girls prefer to return to factory work, regarding it merely as a necessary means of earning a living until they marry, as they soon do. Efforts to place girls with special aptitudes in skilled work such as hairdressing have always ended in failure, as they cannot resist the better pay of a routine job. To a girl work is of quite secondary importance to her personal relationships and leisure occupations, and the most reliable quality she can develop during her training is stability with which to face the difficulties and reverses of life either at home or in a hostel.'

To increase this stability and establish a sense of responsibility should be the aim of all Borstal training for girls. It is equally

1. 1958, p. 87.
2. 1949, p. 60.

important to create in them regular habits of work. Laziness, inefficiency and weakness of character have generally contributed to their delinquency. In 1951¹ a 'Borstal Governor' commented in the Annual Report that on arrival the girls were 'appallingly irresponsible, with not a thought for the future, and it is a tremendous problem to attempt to train them into useful citizens, when one realises the material to be handled. They can, however, be taught a habit of work, and this is among the greatest things that can be done for these girls.' Those closely concerned with the training of delinquent girls hoped in 1958 that the establishment of small Borstals - some open and some closed - to replace Aylesbury would provide conditions in which both personal responsibility and regular habits of work could be encouraged among the very varied types of young women who formed the population of girls' Borstals in England and Wales.

1. 1951, p. 109.

Chapter 19

PRISONS IN ENGLAND AND WALES: 1921 - 1958

PART V - WELFARE AND AFTER-CARE

Prison Visitors

In 1921, the Commissioners reported that steps had been taken to increase the number of lady visitors,¹ 'in order that every visitor may have full opportunity to obtain a thorough knowledge of those she visits, and to establish such relations with them as to produce a lasting effect upon them.' Visitors were to be encouraged to co-operate with the Aid Societies at the prisons where they worked, and were to be given every assistance by the prison authorities, but the Commissioners stressed the importance of selecting carefully the type of woman suitable to conduct visits in prisons. 'A point upon which we insist,' they wrote in 1922,² 'is that no visitor should go with any religious or political bias. Their visits would fail in their object did prisoners suspect that the visitors had any purpose in coming other than that of disinterested friends.'

In 1957, Miss Size described the work of the lady visitors who came to Holloway before 1938. 'Voluntary visitors,' she wrote,³ 'are recruited from ladies who are interested and have had experience in social work. The function of the visitor is to pay friendly calls on the women whose names are placed on her list, either weekly or fortnightly, as arranged beforehand with the Governor. The visitor

1. 1921, p. 14.

2. 1922-3, p. 21.

3. Size, pp. 110-111.

receives her women one by one in a room set aside for this purpose. At the first meeting she introduces herself in a cheerful kindly manner and puts the woman at ease. They discuss everyday things that concern the housewife: cost of living, fluctuating prices and so forth. A friendship is established at the first meeting usually, and afterwards visits become events to which the woman looks forward. During the ensuing period the woman generally thinks up what she will discuss with her visitor next time. She collects the letters and photographs of her family to show the visitor. These create topics of conversation for the woman, and incidentally give the visitor an insight into the character of the home and the relationship between the woman and her family.' Miss Size had many wise words of advice for visitors.¹ 'Visitors should not be too young, nor (decidedly) too old. They need a varied experience in dealing with all sorts and conditions of people and a level head to enable them to weigh up pros and cons. False sentiment is a deadly handicap and must be avoided.' Since 'the purpose of the visitor is to help the woman to forget her grievances, not to encourage them,' a visitor should be a good listener, but of a cheerful disposition, with a sense of humour.

With the reduction in the numbers of women prisoners and the closing of many female prisons the number of lady visitors fell from 143 in 1924 to 95 in 1928.² The work of voluntary visitors remained, however, a most important part of prison administration throughout this period, and appreciation of their efforts is recorded each year in the Annual Reports. The Report for 1936³ describes a shop opened

1. Ibid, p. 111.

2. 1928, p. 29.

3. 1936, p. 20.

in Holbein Place and run by a lady visitor, 'where not only the handicrafts produced at Holloway can be sold, but the prisoners can also have their work sold for them to add to their earnings.' The Commissioners acknowledged gratefully the debt owed by women's prisons 'to the ladies who give of their time and interest to help in every direction possible.'

Changing conditions in prisons during this period called for frequent alterations in visiting times and methods. Before 1938 visitors came to Holloway in the afternoons between two and four o'clock. Cicely McCall¹ describes the practice by which 'a row of empty cells was set apart for their use, and fitted with two wooden chairs and a small table. An officer fetched the women from their work, and while one woman was talking to her Visitor, the next on the list sat on a bench in the passage waiting her turn.' In 1938, with the introduction of the wage-earning scheme, afternoon visiting became impracticable, and visitors were encouraged to come in the evenings and see the women in their cells. The Governor of Holloway² reported that these new arrangements 'met with severe criticism from some of the visitors, but when the situation was fully explained to them, the majority co-operated wholeheartedly.' In his opinion, visiting the women in their cells had advantages over the old system of visiting, 'in that the visitor can get into closer touch with the prisoner, the prisoner has an opportunity to welcome her visitor into her - the prisoner's - "home", and the saving in staff escorting prisoners to and from the visiting rooms is considerable.' Visitors

1. McCall, p. 82, also pp. 81-92.

2. 1938, p. 62.

to women's prisons in fact met with fewer difficulties than those concerned with men. Since women's prisons were not overcrowded, the privacy - so important for such visits - was easily achieved, and there was no question of three prisoners being confined together in a cell, as occurred in many men's prisons. In all prisons visiting times had to be fitted in with an increasing number of evening classes and prison activities, but again, due to the smaller number of women confined in prison, it was easier to arrange times suitable for both the prisoner and her visitor.

With the opening of the regional prison at Askham Grange in 1947, the important part that prison visitors might play in the rehabilitation of women confined in open prisons became clear. In 1958,¹ visitors at Askham were allowed to take the prisoners out on expeditions during the last six months of their sentences. These outings brought the women into touch with the outside world before their release, and helped to increase the confidence and friendship so valuable in the relationship between woman and visitor. The work of the visitors at Askham had an additional value in mitigating the isolation experienced inevitably by both staff and inmates in any institution situated in a remote country district. The interest taken by visitors in all prison activities acted as a stimulus and encouragement to the officers; and the visitors themselves, who lived mainly in the villages around the prison, helped to promote with neighbouring communities the good relations on which the welfare of the prisoners and the prison so much depended.

In 1943, the Women's Visitors Association amalgamated with the

1. Kelley, pp. 128-9.

National Association of Prison Visitors, a change which brought benefits to both Associations. Before the War,¹ the prison visitors at Holloway had worked in close collaboration with the Discharged Prisoners' Aid Society - being themselves members of the Society and active in raising funds for its work. As well as visiting the women in prison, they had visited the women's homes, and gave valuable information to the weekly meeting of the Society, so that financial and other aid could be provided for the prisoners on their release. During the period after the War, these links between prison visiting, welfare and after-care work developed and were strengthened. This extension of willing collaboration between the various agencies concerned with rehabilitation of women prisoners was, indeed, among the most hopeful signs for the future. Of all forms of voluntary aid, complementing the work of officials in the rehabilitation and resettlement of women prisoners in England and Wales, none were more valuable than the assistance given by the Visitors in the various types of women's prisons and Borstals throughout the country.

Religious Welfare

Throughout this period Chaplains of all denominations attended women's prisons, to interview and assist any woman who needed help and expressed a desire to see them. They also took services in the prison chapels. In 1921 prisoners were compelled to attend services, on weekdays as well as Sundays, but by 1958 only the Sunday morning service was compulsory. Prisoners might, however, 'opt out' on

1. Size, pp. 111-2.

grounds of conviction, and with the consent of the Governor.¹ In such cases the prisoners remained in their cells during the service. Attendance at other services during the week was voluntary. The Chaplains of the majority of women's prisons and Borstals in England and Wales were local clergymen, who worked part-time with the prisoners, but at Holloway there was a full-time chaplain.

In 1956 the Chaplain Inspector's Report² made a number of observations on the policy which those concerned with the religious welfare of prisoners should pursue. All prison chapels, it stressed, 'should become solely places of worship. This can only happen when provision is made for lectures, concerts and other secular activities to be held elsewhere. A dual-purpose building is a makeshift which is less than satisfactory from every point of view.' If possible the prison chapel should be kept open all day, so that prisoners may use it for prayer and meditation. In a large women's prison it was obviously more satisfactory if a separate chapel could be provided for the Roman Catholic women. Before 1936³ the chapel at Holloway 'was used for the services of all denominations and had sufficient space for several hundred women. The main altar was used for Church of England and Nonconformist services. When Roman Catholic services were held, a little altar was brought out from behind a shabby curtain and placed in front of a curtain drawn across the main altar.' In 1936 the chapel was redecorated and reconstructed; and two balconies behind the altar, used by the Governor and visitors attending services, were removed. At the same time Miss Size persuaded the Commissioners

1. Fox, p. 203.

2. 1956, p. 33.

3. Size, p. 92.

to construct a small Roman Catholic chapel out of a disused building, which was decorated and furnished through voluntary gifts.¹

By 1956 the overcrowding in men's prisons had made it difficult for Chaplains to visit prisoners in their cells. The Report noted, therefore, that² 'the interviewing of prisoners in a private room must largely take the place of the traditional cell-visiting, and that arrangements will have to be made for prisoners to be brought to the Chaplain during fixed hours set aside for this purpose. The Chaplain's interview must be treated as a serious contribution to the prisoner's training, and it cannot therefore be left to the mercy of chance.' In large women's prisons, where there were never more than one woman in a cell, Chaplains could still, in fact, continue cell-visiting, although increased activities in the evenings often made it more convenient for them to hold interviews in their rooms. In open prisons or Borstals, with shared rooms and dormitories, it was obviously necessary for some room to be made available, where the Chaplain could interview women at fixed times.

At the beginning of this period, in 1921, all church services were held within the prison walls. By 1958, however, at open prisons and Borstals for women, the custom had become established for women and girls to attend the local church, and often to form part of the choir. At Askham Grange, in 1947, Church of England services were held in the billiard room, which had been converted into a chapel, but Roman Catholic and Nonconformist women attended outside churches. Miss Size described³ how, at first, the women sat with her in the same

1. Ibid, pp. 93-4.

2. 1956, p. 33.

3. Size, pp. 147-8, 153.

pew, in the Roman Catholic Church at York, 'but, as soon as I felt I could trust them, they were allowed to sit where they liked. When the service was over we all met outside the door, and returned home in the same manner as other church-goers. The trust placed in them was never abused. The women were always tidily dressed, and there was nothing in their appearance or demeanour to distinguish them from anyone else in the congregation. They were always provided with money for the church collections. The Methodist and all the Non-conformist women attended Sunday evening service in the Methodist Hall in the village of Askham Richard. At first a Methodist officer who wished to attend the service accompanied them. Later, they were trusted to go by themselves.'

This change of policy in open prisons and Borstals was greatly to be welcomed. The Report for 1948¹ had observed cautiously that it remained to be seen how far the practice of attendance at local churches could be or would be extended, 'since the importance of building up a corporate religious life within an Institution must also be borne in mind.' For women prisoners, however, there were considerable advantages in attendance at an outside church. Not only did it accustom them to the surroundings of church, so that any shyness could be overcome, and in some cases they might be encouraged to attend after their release. Above all, such participation gave an opportunity for the other members of the congregation to make the women feel 'accepted', rather than 'rejected'. As Sir Lionel Fox wrote in 1954² - 'prisoners feel that they are taking part in a normal activity

1. 1948, p. 38.

2. Fox, p. 204.

of the community in which they share like anyone else.' Such a sense of 'sharing' was particularly important for women prisoners.

Finally, it should be added that the influence of a Chaplain in prison depended in 1958, as it had done in 1921, almost entirely on his personality. The Report for 1956¹ admitted that 'progress will be conditioned by the quality of the individual chaplain and the kind of assistance he has at his disposal.' Great care was necessary when choosing those suitable to work among, inspire and advise women and girls, confined in prison and undergoing a severe emotional strain. Such a task required qualities both of insight and of understanding.

Probation

In 1922 a Departmental Committee, set up to consider problems of probation in England and Wales, reported² that there were 784 probation officers scattered throughout the country, but that most of these had other occupations, and conducted their probation work on a voluntary basis. The Committee recommended that wherever possible probation officers should be employed only on probation work, and that they should receive adequate salaries.³ A probation officer should be appointed to each court throughout the country,⁴ and, wherever possible, a woman officer should be appointed to supervise women and children. There should be a Government grant for probation,⁵ and a national Advisory Council,⁶ to assist the Home Office and

1. 1956, p. 34.

2. Report of Departmental Cttee. on the Training, Appointment and Payment of Probation Officers, 1922, Cmd. 1601, p. 8.

3. Ibid, pp. 9, 12, 15-16.

4. Ibid, p. 6.

5. Ibid, p. 21.

6. Ibid, p. 18.

organise some form of training for officers. These recommendations were given legal effect by the Criminal Justice Act, 1925,¹ which provided that every petty sessional division should have at least one probation officer, and gave the Secretary of State power to join two or more such divisions into a 'Combined Area', for purposes of probation, if he considered it necessary. Each area should have a Probation Committee, to supervise the work of its probation officers.

Nine years later, in 1934, another Committee, appointed to report on probation, made further and more extensive recommendations. The Committee considered that probation should be recognised as a social service, and organised efficiently as such. There should be a Training Board, as part of the Advisory Council, to supervise the training of officers;² and probation officers themselves should have some knowledge of public administration, and of psychiatry.³ They should also, if possible, have received a university training.⁴ The Committee laid down a national scale of salaries,⁵ to be paid to men and women probation officers throughout their career in the service.

The outbreak of War in 1939 hindered developments in probation, but some recommendations of the Committee were put into effect during the years before 1948. A new Home Office Division was created to supervise probation, and to arrange official inspection of the service. A new Probation Training Board was also set up, which included members of the Probation Advisory Board, and two representatives of the

1. 15 and 16 Geo. V c. 86.

2. Report of Departmental Cttee. on the Social Services in Courts of Summary Jurisdiction, 1936, Cmd. 5122, p. 136.

3. Ibid, p. 132.

4. Ibid, p. 134.

5. Ibid, pp. 128-9.

Universities. Under its direction 117 men and 40 women were trained as probation officers between 1937 and 1939.¹

Until 1948, however, although the magistrates in some areas appointed, supervised and encouraged the probation officers attached to their courts, in other parts of the country little interest was taken in probation work. The Criminal Justice Act, 1948,² provided that committees of justices should not only appoint probation officers, but should also hold regular meetings and review probation work in their areas. The committees might appoint candidates to the service without consulting the Advisory Council, but this course was not recommended. In general, candidates were selected by the Probation Advisory Council and Training Board of England and Wales. This Council consisted of a number of experts appointed by the Home Office (and also, in 1958, four probation officers)³ to advise on problems of probation, and to organise the training of probation officers. In 1958 short courses of nine to twelve months' training in theory and practice of probation work were still the method of qualification for many entrants to the service. As Joan King observed in 1958,⁴ 'attempts to improve the level of training of new entrants to the Service are still to some extent undermined by the admission of candidates without any specialised training at all, who are appointed by some Probation Committees because of the persistent shortage of trained applicants.' It was hoped, however, that longer university courses in social science, followed by a period of practical training,

1. J.F.S. King - The Probation Service; London; 1958, p. 30.

2. 11 and 12 Geo. 6 c. 58.

3. King, p. 40.

4. Ibid, p. 41.

would eventually become the normal method of entry.¹

Probation work offered few material benefits at the end of this period, although conditions had improved greatly since 1921. The salary of a woman probation officer in 1958² was £445 a year, rising to £645. Her recommended case-load was set at 45³ - as compared to 60 for a man - but since 1936 a number of extra duties had been added, by custom and statute, to her normal probation work.⁴ The most important of these concerning women offenders were those which resulted from the Criminal Justice Act, 1948. The duty of after-care of prisoners sentenced to corrective training and preventive detention was entrusted to probation officers, and they were also given charge of the after-care of young prisoners, and those sentenced to Borstal training. In 1957⁵ the Wolfenden Committee suggested that increased use should be made of probation officers in dealing with the problems of prostitutes.

Until 1948, the maximum period for which a woman could be put on probation was three years, but no minimum period was fixed. The Criminal Justice Act fixed a minimum period of one year,⁶ since it had been proved that no reformation or re-education was possible in a shorter time. Advocates of probation had always stressed its cheapness as a method of dealing with offenders, compared with the

1. On training of probation officers generally see also F.J. Macrae - The English Probation Training System; Brit. Jour. of Delinquency, VIII, Jan. 1958, pp. 210-215.

2. Elkin, p. 51.

3. Ibid; see also King, p. 146.

4. See generally, F. Dawtry - Whither Probation; Brit. Jour. of Delinquency, VIII, Jan. 1958, pp. 183-4.

5. Report of Cttee. on Homosexual Offences and Prostitution, 1957, p. 91.

6. By s. 3 (1).

considerable expense of maintaining a convicted woman in prison. By 1958, however, there was evidence that probation was not only a cheap method of rehabilitating large numbers of convicted women and girls; it was also a most effective one. Research into the results of probation by the Cambridge Department of Criminal Science, estimated the general success rate for women on probation to be as high as 83%.¹ Women over 30, with a success rate of 87.6%, seemed particularly good subjects for probation. Although 89.2% of women first offenders had not been convicted again after three years following their period on probation, it was significant that only 72.1% of women with one previous conviction avoided further prosecution,² and the rate of success for recidivists with two or more convictions was not encouraging.

Courts in general seemed more willing to put women on probation than men. In 1954,³ 55% of the women aged 17-21, convicted of indictable offences were put on probation, and only 26% of the men. 33% of the women aged 21-30 were put on probation, and only 12% of the men. The Cambridge report showed a larger number of women aged over 30 put on probation than in the younger age-groups;⁴ and there seemed evidence that older women were more amenable to help than the young. Women and girls of all ages, however, showed a higher percentage of successes on probation than men and boys,⁵ which was not surprising, since their temperament and problems make them

1. The Results of Probation - Report of the Cambridge Dept. of Criminal Science; London; 1958, p. 4.

2. Ibid, p. 6.

3. Elkin, p. 53.

4. Cambridge Report, pp. 12-13.

5. Ibid, p. 4.

particularly suitable subjects for such treatment.

There is certainly no doubt that probation is among the most successful methods of dealing with women offenders, provided sufficient care is taken over preliminary enquiries, before a woman or girl is pronounced suitable for such a sentence. The 'special requirements', which can be included in any probation order, may prove valuable when dealing with certain types of women offenders. Probation, with a condition of accepting medical treatment, could with advantage be used much more frequently to check latent alcoholics at an early stage, and 'requirements of residence' may be desirable when dealing with young women delinquents. The Cambridge report, however, showed that whereas the rate of success for women first offenders without requirements of residence¹ was 91.7%, when requirements of residence were made in the probation orders the rate sank to 68%. For recidivists, the equivalent rates were 71% and 44%.

After-Care

An account of After-Care during this period falls into three sections: first the work of the Central After-Care Association and of the earlier associations which preceded it; secondly, the work of Discharged Prisoners' Aid Societies; and thirdly, the welfare work conducted by outside voluntary organisations, on their own, or in collaboration with the official associations.

Before 1928 the Central Association took responsibility for the after-care of all women convicts, and the Borstal Association for girls who had undergone Borstal training at Aylesbury. A woman - an

1. Ibid, p. 11.

Assistant Director of both Associations - supervised the after-care work from an office in London. At this time Aylesbury was the only Borstal Institution for girls in England and Wales, and the prison at Aylesbury, although small, was the main convict prison for women, receiving all convict women who were first offenders. There seemed, therefore, to be many advantages in having a centre for women's after-care based on the prison in which the majority of those receiving care would be serving their sentences; and in 1928¹ the Aylesbury Association was formed, to take over the work of supervising both the Borstal girls and the women convicts, including those convicts confined in Liverpool prison. The Visiting Committee of Aylesbury Prison formed the Council of the new Association; its Director was the Governor of the Prison, Miss (later Dame) Lilian Barker. A government grant covered the administrative expenses of the Association, and public funds supplied aid to the women convicts, but the cost of aid for the Borstal girls was supplemented by voluntary subscriptions.

During the following years the Aylesbury Association laid the foundations for an effective system of women's after-care. In 1929,² it assisted 27 convict women, and found work for all but 3 of the 47 Borstal girls released from Aylesbury during the year. By 1932,³ however, it was proving more difficult to find employment for the girls. They were not so easy to train as they had been in the past. The Association reported that this handicap, 'coupled with the general depression outside, is making the after-care work increasingly

1. 1928, p. 28.

2. 1929, p. 27.

3. 1932, p. 45.

difficult.... Although fortunately there is still a demand for domestic servants, it is not as great as it was at one time, and mistresses are expecting a high type of service from the people they are engaging.' From personal knowledge of the history and character of each woman or girl in her care, Miss Barker, aided by the Committee at Aylesbury, had certain advantages over any outside organisation in providing after-care. She was able to choose the kind of work most suitable for each prisoner; and the personal relationships between staff and prisoners, built up at Aylesbury, were helpful in maintaining contact after discharge. There was, however, criticism of the lack of qualified social workers and after-care officers, to deal with the problems of Borstal girls. After-care at this time, in the opinion of Cicely McCall¹ was entrusted too much to over-worked probation officers and local social workers with inadequate experience. The concentration of so much power in the hands of one woman, who was both Governor and Director of After-Care, also did not escape criticism. It was felt that no one person could give the attention necessary to control two such important activities as penal training and after-care, each requiring different qualities and both requiring her full attention. In 1934, therefore, when Miss Barker was appointed as Assistant Commissioner, the offices of Governor of Aylesbury and Director of the Aylesbury Association were divided. Miss Barker remained as Director of women's after-care, and the headquarters of the Association moved to London.² The wisdom of this decision was never in doubt. Holloway, by this time, was taking the place of

1. McCall, pp. 184-5.

2. 1934, p. 32.

Aylesbury as the main centre for women prisoners in England and Wales, and, with the expansion of Borstal training, the establishment of a number of new Borstals to supplement and eventually take the place of Aylesbury, was only a matter of time.

From 1934 to 1948, the Aylesbury Association continued to control women's after-care from its headquarters in London. As few women were now serving sentences of penal servitude, the main work of the Association was the care of Borstal girls. The Report for 1937¹ records a particularly successful year. This success the Association found 'somewhat surprising, as the present day girl is of a different type from her predecessor. She is more sophisticated and very irresponsible, and though the Association continues to be able to find situations and work of an excellent type, it involves constant kindly supervision, infinite patience, and frequent shuffling round of situations, until the right niche and employer of right understanding are found. The large majority of girls still desire domestic service, where they are the only maid kept. The others go as waitresses, factory hands, etc.' After the outbreak of war, when all work had to be obtained through the Ministry of Labour, it became even more difficult to find work for the girls. When they applied at Employment Exchanges, disclosure of their Borstal sentences often prevented them from obtaining work, and it became clear that if suitable employment was to be found for them, efforts to secure it must begin before they were released from Aylesbury. The Commissioners discussed this problem with the Ministry of Labour, and eventually arranged that an official of the Ministry should visit

1. 1937, p. 44.

each girl at Aylesbury,¹ to discuss her prospects of employment, and, if possible, to find her a job on which she could start immediately she left the Institution. This arrangement with the Ministry of Labour proved so successful that it was continued after the War. During the war years, overcrowding at Aylesbury created other difficulties for those concerned with after-care. The authorities found it necessary to release girls after the shortest possible period of training. As a result the girls spent a far greater portion of their sentences on licence than formerly, and were released from Aylesbury without any complete and thorough training. Supervising these girls for the longer period, and finding employment for them after a training too short to improve their habits of work, proved a great strain and anxiety for the depleted staff of after-care officers. It was not surprising that the Report for 1942-44² complained that 'it cannot be denied that the percentage of girls who have done well is low.'

In 1942 Miss H. L. Long succeeded Dame Lilian Barker as Director of the Aylesbury Association. She remained responsible for women's after-care during the rest of this period to 1958, continuing in office when eventually, in 1948,³ the Aylesbury Association was merged in the Central After-Care Association. The Criminal Justice Act, which effected this change, extended the system of after-care to cover all women sentenced to preventive detention and corrective training, also young prisoners under 21, as well as Borstal girls. Over the next ten years it was noticeable how different was the

1. 1939-41, p. 59.

2. 1942-44, p. 63.

3. 1948, p. 45.

response of the various categories of women to the aid offered them by the After-Care Association. Although the numbers of women sentenced to corrective training decreased during this period, their reconviction figures remained encouragingly low, and the 1957¹ Report considered them to be more 'mature' in their attitude to after-care than were the majority of prisoners. Women who had undergone corrective training showed 'a far greater interest in and a sense of responsibility about their licence than any other group.' Those released after serving sentences of preventive detention, on the other hand, presented entirely different problems. There was no uniformity in the group and each woman² had 'quite an individual reaction to being on licence. This ranges from complete dependence to antagonism towards the person who is supervising. In most cases they realise they need much help and are very grateful when this is given, and especially when it is given in a friendly and understanding spirit.' In 1958³ the Council supervised ten women sentenced to corrective training and five sentenced to preventive detention.

In this year the Association also gave aid to thirty-three women released after serving long sentences of imprisonment.⁴ After the Criminal Justice Act, 1948, came into effect long-term prisoners were no longer obliged to report to the After-Care Association, but the women's branch of the Association continued to take an interest in any prisoner who desired and needed help. In 1950⁵ the Association reported that 'at any time subsequent to their discharge, these women

1. 1957, p. 68.

2. Ibid, p. 69.

3. 1958, pp. 72-3.

4. Ibid, p. 72.

5. 1950, p. 62.

can come or write to us for assistance and advice, and this is made clear to them before their discharge. Many take advantage of this, especially those who genuinely mean to do well and appreciate the fact that they have the Association to help them when they need this. Those who subsequently return to prison are usually those who have not kept in touch at all.' The Advisory Council, who reported in 1958, found no¹ 'direct correlation between the length of a prisoner's sentence and his need for after-care,' but admitted that long-term prisoners may have 'special difficulties of readjustment and rehabilitation.' The Council reported that their comments applied equally to female prisoners, although in the text they referred almost always to men. In fact these 'difficulties of readjustment and rehabilitation' faced by long-term prisoners, are more acute for women than for men. Whereas the Council gave equal priority to first and second offenders (serving sentences of more than twelve months) and long-term prisoners,² the woman who is released from prison, after serving a sentence of three years or over, has probably a greater need of supervision, aid and encouragement, than has the woman with perhaps fewer previous convictions, but a shorter sentence. It was hoped that any Act of Parliament giving effect to the recommendations of the Advisory Council would make after-care compulsory for the long-term prisoner. The Council suggested four years as the minimum sentence to qualify for such care. Many of those concerned with after-care, however, felt that a woman who had served a sentence of three years' imprisonment was in need of aid

1. The After-Care and Supervision of Discharged Prisoners, H.M.S.O. 1958, pp. 19-20.
 2. Ibid, pp. 29, 17-20.

fully as much as a woman who had served a sentence of four years, and for purposes of after-care should be considered a 'long-term prisoner'.

In 1958 the Women's Division of the Central After-Care Association reported for the first time on the aid given to prisoners released from the regional prison at Askham Grange.¹ Arrangements had been made that the National Association of Discharged Prisoners' Aid Societies should be responsible for aiding the women financially, but that the After-Care Association should bear all administrative expenses. In that year Miss Long expressed the hope that all who read the Report of the Association would 'appreciate that the work requires a combined operation.'² The period under review contains many examples of the value of such 'combined operations' in all fields of after-care. As has been mentioned, the arrangements made during the War for a Ministry of Labour official to visit Aylesbury and interview the Borstal girls before their release proved so successful that they were continued after the War. When the new open Borstals were established at East Sutton Park, and later at Moor Court in Staffordshire, similar arrangements were made, and the Ministry's help and advice contributed greatly to the girls' future rehabilitation.

Another problem, affecting both women and girls, had been raised by the introduction of National Insurance cards. A woman in prison was not in a position to stamp her card each week. When she applied for work on her release, the Employment Exchange and prospective employers tended to enquire why the cards were unstamped. Disclosure

1. Annual Report of the Council of the Central After-Care Assoc., H.M.S.O. 1958, p. 26.

2. Ibid, p. 27.

of her prison sentence often resulted in the woman losing the chance of employment, and even if she were given a job, the unstamped card remained as evidence of the time spent by her in prison. After consultations, however, the Commissioners arranged in 1948¹ that 'continuation cards' should be issued to all prisoners on their release, similar to those provided for persons returning from abroad. These cards removed the need for explanations regarding unstamped spaces, and women were able to take employment provided for them by the after-care authorities, without fear of inviting awkward questions.

Throughout the years from the end of the War until 1958, it remained, however, much easier to find work for women discharged from prisons than for girls discharged from Borstals. The Report for 1956² noted that residential work was becoming more difficult to obtain, 'although the majority of the girls have been placed in excellent employment.' There had been the usual difficulty 'in placing girls who have no homes and have spent much of their time prior to Borstal training in mental hospitals or other institutions.' Hospital domestic work, according to the 1955³ Report, offered 'the best conditions, the highest wages and opportunity for recreation,' for homeless girls; but such work was not always available. In 1957⁴ few homeless girls came under the care of the Association. The Women's Division, wisely realising that a girl almost always wished to return to her own home, however bad, seldom forbade them to do so, unless it was obvious that the home was so unsatisfactory that they

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1. 1948, p. 44.
 2. 1956, p. 101.
 3. 1955, p. 102.
 4. 1957, p. 80.

would not have been justified in letting her return. The Report for 1957 added that every year it was becoming 'more difficult to place girls in residential employment, and there is a shortage of suitable working girls' hostels.' This made the problem of the homeless girl more acute, 'by bringing home to her, even more forcefully, her deprived condition.' No improvement in this situation was visible in 1958.¹ Work for the Borstal girls was as difficult to obtain as it had been in 1957. 'Whereas formerly it was only a matter of days before a girl found reasonable employment, it is now sometimes a matter of waiting weeks. In certain areas it has been impossible for the girls to find daily work, and they have had to leave home and go to residential work in another district. The lack of work has certainly affected some of the girls adversely, causing them to become unsettled and in some cases to leave home and disappear.' However effective the training given at the Borstal Institutions, it is given in vain and rehabilitation cannot be achieved unless a suitable job can be made available for a girl at the end of her sentence.

During this period it was particularly difficult to find employment for those girls discharged from Borstal with illegitimate children, and without homes to receive them. Official or voluntary homes and hostels which provided accommodation for unmarried mothers often refused to take girls with a Borstal record. In 1947,² the Commissioners stressed the need for providing more mothers' and babies' hostels prepared to receive such girls. In their opinion, private

1. 1958, pp. 87-8.

2. 1947, pp. 60-1.

domestic work in a home was not as a rule a satisfactory solution to the problem, even when families could be found willing to take a Borstal girl with her child. By 1958¹ the situation showed little signs of improvement. In that year seventeen girls were discharged from Aylesbury with their babies. In many cases they were provided with prams and cots by the After-Care Association. The Association reported that the difficulties facing these girls in recent years 'have been very severe, but the added risk of unemployment has now made matters much worse. When the girls cannot return to their own home we endeavour to find a mother and baby hostel where they can go out to daily work. The charges at these hostels are very high, and if the girl cannot obtain work and pay for herself, it is an expensive business keeping her there. In any case it is never an entirely satisfactory arrangement, since the problem of getting the girl launched on her own with a baby is only deferred.' So long as courts continued to send pregnant young women to Borstal, it was not easy either to train them satisfactorily in the Institutions, nor to re-settle them in society on their release. The unmarried mother faces many problems even when she has not offended against the law. With the added burden of a Borstal record, the future for such girls gave grave cause for anxiety.

By s. 29 of the Prison Act, 1952,² prisoners released after serving a sentence 'of twelve months or more who have had at least two previous sentences of imprisonment or a sentence of corrective training,' were required to notify their addresses to the Central

1. 1958, p. 88.

2. 15 & 16 Geo. 6 & 1 Eliz. 2 c. 52.

After-Care Association for a period of twelve months after their date of discharge. This obligation proved to be of little practical value particularly as far as men were concerned. The officers of the Association spent a considerable amount of extra time endeavouring to trace addresses, and could do little if the prisoners concerned had vanished or given a false address. The Women's Division, dealing with smaller numbers, found it more useful to record the addresses of those women prisoners who were not normally the responsibility of the Association.¹ Help was more often asked for and given, since few women prisoners - except short-term first offenders - spurn help when they are in difficulties and it is offered to them. The Advisory Council 1958 recommended the abolition of s. 29. It also recommended the extension of after-care to many categories of prisoners not covered by the Criminal Justice Act, 1948. As has been mentioned, long-term prisoners, with first and second offenders (serving sentences of over twelve months), were given first priority in any new scheme of after-care, followed by short-term first and second offenders. The Council also suggested² that young prisoners under 26 and recidivist adults, with sentences of over twelve months, and three or more previous convictions, should receive compulsory after-care. They saw little value in such care for short-term recidivists, except in special cases. The extended scheme, the Council considered, should be the responsibility of the Central After-Care Association³ 'operating usually (as at present) through probation officers as associates.' Existing conditions of after-care, presented to prisoners on their release,

1. After-Care and Supervision of Discharged Prisoners, p. 8.

2. Ibid, pp. 18-20.

3. Ibid, p. 12.

were¹ 'too peremptory and could be modified;' in cases of misbehaviour, six months should be the maximum period of recall.² The Council also considered that a definite period of after-care - preferably twelve months - should be laid down for all prisoners, rather than a period varying with the length of the unexpired portion of a prisoner's sentence. 'The³ fullest preparation, both in prison and in the home to which the prisoner will go on release' was needed to make any scheme of after-care a success. This preparation, they advised, could only be achieved 'by the fullest liaison between the social workers concerned, which should be strengthened by personal contact where possible. We should also like to see the preparation in prison extended to cover the prisoner's own attitude to after-care. We regard it as essential that before release the prisoner should be helped to understand the purpose of after-care and his part in it.... If the licensee's trust can be obtained whilst he is in prison, the process of transferring this trust to the associate would in this way be begun before he starts his period on licence, and the tendency to resentment against compulsory after-care might be reduced.'

By 1958 the work of the Central After-Care Association had gained considerably in importance in contrast with conditions at the beginning of this period. The main body of women prisoners still, however, when released from prison, received aid from the various Discharged Prisoners' Aid Societies throughout the country. The Commissioners, in 1921,⁴ had expressed their strong disapproval of

1. Ibid, p. 24.

2. Ibid, p. 26.

3. Ibid, pp. 23-4.

4. 1921, p. 26.

the then existing arrangements made for the after-care of discharged prisoners. After-care work was badly organised and there was little if any co-operation between the various Discharged Prisoners' Aid Societies. The work done for local prisoners was only a fraction of what was required. Aid for women prisoners at this time was as disorganised and inefficient as that provided for men. In 1922, however, a remarkable change occurred in after-care for women in the South of England. Three Lady Visitors to Holloway, conscious of the need to provide aid for women discharged from that prison, joined together to form the Holloway Society.¹ By collecting funds in the counties round London from which they came, and encouraging their friends to do likewise, these Visitors laid the foundation of what came to be known as the 'Thirteen Counties Scheme'. In a few years the scheme covered all the sixteen counties served by Holloway, and between 1922 and 1937 more than £18,000 was collected by the Society to assist discharged prisoners.

Among the particular interests of the Society was the establishment and administration of a hostel in Dalmeny Avenue,² near the prison, which provided temporary accommodation for women who had no homes to go to on their release from Holloway. Accommodation in the hostel was reserved mainly for first offenders and young prisoners - and also for those prisoners selected by the Society to benefit from their 'training fund'. This fund paid the fees for certain selected prisoners who wished to take particular courses of training after their release; while training they were allowed to live at the

1. Size, p. 115.

2. Ibid, p. 116; 1924-5, p. 45.

hostel, their expenses being paid by the Society.

The Report of the Committee on the Employment of Prisoners¹ drew particular attention to this hostel as one of the 'distinctive and unusual features' of the Holloway Society. The Committee observed that 'whatever arrangements may be made in regard to societies operating at the men's prisons in London, there appears to us to be a strong case for the Holloway Society continuing to function as a separate entity.' They recommended, however, that the Society should be linked up with any national society of Discharged Prisoners' Aid Societies which might be formed. This affiliation with the other Societies throughout England and Wales took place in 1936. In that year the Central Society ceased to exist and a National Association of Discharged Prisoners' Aid Societies, representing all Societies in England and Wales, came into being. A year earlier the Central Society had taken the first step towards reform, by appointing two new sub-committees, for General Purposes and Development and for Finance, to make decisions on policy and improve the administration of after-care. The Commission expressed their pleasure at the formation of these committees, and hoped that this change might² 'lead to such an improvement in the work of aid-on-discharge that in the future no prisoner worthy of help may leave any of H.M. Prisons without such arrangements being made for his employment and after-care as will give him a real chance to become a law-abiding and self-respecting member of society.'

In 1936³ the Holloway Society was entirely reorganised. The

1. Part II, 1935, Cmd. 4897, p. 25.

2. Ibid, pp. 39-40.

3. 1936, p. 19.

Society, in this year, also appointed a full-time agent, with an assistant, to work at the Prison. Every woman prisoner was interviewed on arrival, and, if she desired it, the society undertook either to find employment for her on her release, to house her in the hostel until she found work, or - if she had quarrelled with her relations - to make contact with her family, so that a reconciliation could be effected, making it possible for her to return home. The following year the Society extended its work still further. After consulting the Commissioners, they appointed an agent, to be responsible solely for the employment of discharged prisoners. The Report for 1937¹ observed that 'so fruitful did this new field of after-care work prove, that after six months' work the agent had to be provided with an assistant.'

During these years before the War a large part of the money provided by the Holloway Society for after-care was spent on supplying the immediate needs of women on leaving the prison. They were equipped with clothing and suitcases, and sufficient money to tide them over until they received their first wages. Clothing was provided, if necessary, for their families, arrears of rent and instalments on furniture paid, and articles redeemed from pawnshops. Every effort was made to give the women prisoners a new start in life. Miss Size observed that the demand for 'actual necessities of clothing' was enormous, since women were often received into prison 'very scantily clothed'.² While Deputy Governor of Holloway she was tireless in her efforts for prisoners after their release, as well as

1. 1937, p. 63.

2. Size, p. 117.

during the time they were in prison. Cicely McCall, critical of much that she saw and experienced during her short career as a prison officer, has only words of praise for Miss Size. 'Thanks to her,' she wrote in 1938,¹ 'there is a capacious wardrobe for discharged prisoners who can be provided free with anything from a warm vest to a new pair of shoes or a smart jumper.... Many a discharged first offender has owed her first job to Miss Size's unobtrusive scheming. It was the same active brain which was largely responsible for the hostel where young prisoners and first offenders may spend their first few days after discharge while they are looking for work.'

After the War, lack of co-ordination between Discharged Prisoners' Aid Societies generally throughout England and Wales was again the subject of criticism. Eventually, in 1951, the Government appointed a Committee, under Sir Alexander Maxwell, to investigate the situation. This Committee recommended in 1953, that,² 'in view of material benefits now available to discharged prisoners from the welfare services of the state, Aid Societies should be invited to deepen and develop their interest in the field of voluntary "after-care" to meet the individual needs of selected prisoners, and to assist their general rehabilitation as citizens, and correspondingly to reduce the emphasis which they have hitherto placed upon immediate material "aid on discharge".' By 1957 the Commissioners reported³ that although 'some societies still make grants more or less automatically in accordance with the traditional practice, we are pleased to report

1. McCall, p. 72.

2. 1953, Cmd. 8879, p. 32, and paras. 93-98. The Cttee. also recommended the appointment of welfare officers at local prisons - *ibid*, and paras. 99-114.

3. 1957, p. 58.

that others have now abandoned this policy and make payments only with the specific aim of rehabilitation.' The Societies had also appointed local committees who were available to offer friendship and advice. The Commissioners noted¹ that, while the Societies kept the need for 'voluntary befriending' in mind, the 'general experience of local committees has been that the proportion who are willing to accept this kind of help and guidance, once they gain their freedom, is small.'

In 1955, the Holloway Society made further appointments to increase their staff and extend their work. Through the efforts of Miss Margery Fry, the City and Parochial Trust made a generous grant for two years to the Society. With this grant a special case-worker and a highly qualified part-time welfare officer were appointed, and the Society was able to state with some pride in its Annual Report that 'we are thus staffed for the coming year on exactly the lines of the report of the Committee on Discharged Prisoners' Aid Societies.'² Expressing regret at the death of their secretary and welfare officer, Miss Christina Biffen, the Commissioners paid tribute to her devotion to duty and thoroughness.³ Not only their secretary, but the Holloway Society itself set an example of 'devotion to duty' and 'thoroughness', throughout this period - an example which could with advantage have been followed by all Discharged Prisoners' Aid Societies in Britain.

Women's branches of other Societies helped prisoners discharged from prisons in their area. After the opening of Askham Grange in

1. Ibid, p. 59.
 2. 1955, p. 85.
 3. Ibid.

1947, the National Association of Discharged Prisoners' Aid Societies assumed responsibility for women released from the prison, who were in need of after-care. In 1955, 206 out of 280 women discharged were helped directly, and another 37 indirectly. Only three refused assistance; in thirty-four cases no financial aid was required.¹ Again, it was not only the Holloway Society which offered refuge to women on their discharge from prison. Miss Size mentions the hostels of the Church Army, the Roman Catholics and the Salvation Army, and the Sister Mabel Club for Methodist women. All these and many others provided temporary homes for women released from prison. Women's voluntary associations have always been more acutely aware of the difficulties facing those of their own sex who have offended against the law, than have societies dealing with men.

In 1924-5,² the Governor of Holloway started an experiment in welfare work by introducing four voluntary helpers into the remand wing of the prison. They had previously been instructed by a probation officer at the Metropolitan Court, and on taking up work each was assigned a certain number of courts, so that she would be responsible for the women sent by these courts to Holloway. The welfare workers attended at Holloway twice a week, and 'keeping in close touch with the probation officers,' reported and advised them as a result of their interviews with the remand prisoners.

Two years after the War the W.V.S. started a scheme for the welfare of convicted prisoners in Holloway, providing welfare workers who might help with the home difficulties of women suddenly sent to

1. 1955, p. 87.

2. 1924-5, p. 45.

prison.¹ By the end of 1948,² 2,144 women had been interviewed, and help given to 346. The Commissioners reported that 'although the need may not be frequent it exists, and where it exists it is usually urgent.' A similar scheme was introduced at Birmingham, Durham and Manchester prisons during the same years,³ but the assistance offered proved unnecessary. 'For reasons which defy speculation' there was not one request for help in these prisons. The W.V.S. kept their organisation in force in these areas, however, in case aid should be required in the future. In 1951, the W.V.S. extended their offer of help generally to all women who might desire assistance and who were not subject to statutory supervision. A start was made at Holloway, where the W.V.S. was represented on the Case Committee of the Holloway Society. As noted in the Report for this year,⁴ that when a woman appeared before the Committee 'she may ask for a W.V.S. friend, who will be a woman from her own locality, carefully chosen by the W.V.S. regional office. The friend usually visits the woman once during her sentence, and at any time during this period will visit the home at the woman's request, to deal with particular problems and prepare for her reception on release.' After discharge, the Friend kept in close touch with her by home visits for a year, or whatever period the woman wished. No material help was given by the W.V.S. but if necessary a request for aid was made to the Discharged Prisoners' Aid Society. In the first nine months, 242 women were interviewed. 110 of these accepted help, although ten afterwards failed to

1. 1947, p. 36.

2. 1948, p. 27.

3. Ibid.

4. 1951, p. 59.

co-operate. The women concerned were serving short sentences, so it was not a question of 're-establishing a woman who had lost touch with her world through long absence, but of giving some extra support and encouragement to a woman who may have needed this even before her prison sentence, owing to her own inadequacy or the difficulty of her circumstances, and who was likely to need it still more when the imposition of a prison sentence made her circumstances still more difficult.' The Governor of Holloway reported that in general it was women with unstable backgrounds who asked for a friend. The women with stable backgrounds seldom desired assistance when they left the prison.

It was not easy to administer such a scheme among the ordinary prison population of Holloway. As the Report for 1952¹ observed, 'many women have an intermittent desire for help in tackling their difficulties, but even the very small degree of initiative required from them is sometimes more than they will show, and the lazy and inadequate are apt to regard even unofficial help of this sort as calling for a certain amount of effort which they either do not want to give, or are doubtful whether they can give.' In this year,² however, the scheme had been extended with considerable success to those women undergoing training at the Centre for Neglectful Mothers in Birmingham. Those who desired help - and it appeared that the majority of these women felt the need for outside assistance on their release from Birmingham - were given a W.V.S. friend. Assistance was also given to the women in Birmingham who wished to be put in touch

1. 1952, p. 66.

2. Ibid, p. 41.

with their local Health Visitor or parish priest.

Until 1921, 'after-care' and 'welfare' had formed two quite separate fields of prison work. Aid for prisoners had been confined almost entirely to the distribution of small sums of money on their discharge from prison, and this achieved very little except the temporary alleviation of pressing misery and want. Such aid depended on voluntary effort and voluntary subscriptions. By 1958 a new concept of 'after-care' had emerged. It was realised that, to be effective, such care must include not only aid-on-discharge, but also welfare work in prison. The needs and problems of every woman prisoner required study from the day she entered prison, not from the day of her discharge. Experience had proved the necessity for an efficient central organisation, staffed by professional workers, to administer such a comprehensive system of after-care. At the same time, however, the scope for voluntary welfare work, especially in women's prisons, had increased, rather than decreased. All those concerned with providing after-care for women could be justifiably proud of the advances made in welfare work since 1921. During this period both on the official level and by voluntary effort women had shown far greater initiative and imagination in helping delinquents of their sex than had men. These qualities were apparent both in the aid given to those women confined in prison, and in the guidance and help offered to these prisoners when eventually they had been released and returned to take their place in society.

Chapter 20

SCOTTISH PRISONS + 1800 - 1921

1800 - 1839

As has been mentioned earlier, imprisonment was seldom used as a punishment for crime in Scotland until the beginning of the 19th century. The penalty of banishment from one part of the country to another was not, however, abolished until 1830;¹ and Alison² mentions banishment from Scotland as still in existence in 1833, although it was confined to rare cases where penalties were prescribed by special statutes, such as the celebration of clandestine marriages. In Hume's view³ the sentence of banishment 'took its rise in our state of hostility to England.' He considered that it has since been continued 'in no very friendly or neighbourly way, after the Union of the two Crowns, and even that of the two kingdoms into one realm. Happily they have not yet thought in England, of taking that ample and severe revenge on us, which they have in their power, if they were disposed to retaliation.'

Sentences of transportation continued to be imposed by Scottish courts until the system came to an end in 1854. In 1755⁴ Janet Robertson had been banished to the plantations; but during this period the destination of women convicts changed frequently, as had been described in the chapter on Transportation. It was the custom for convicts to be transferred to prisons in England, until a

1. 11 Geo. IV and 1 Will. IV c. 37.

2. A. Alison - Practice of the Criminal Law of Scotland; Edinburgh; 1833, p. 670.

3. Hume, II, 17, 485.

4. Ibid, I, 10, 355.

convenient opportunity arose for them to be sent overseas, and women convicts were allowed to bring with them their small children. On their journey from Scotland they were frequently escorted by male warders.¹

At the end of the 18th century, Hume² described imprisonment as an 'ordinary' punishment in Scotland, 'applied chiefly to the inferior offences.' He found that 'the Scottish legislature have not, in any instance, thought it fit to prolong this state of durance beyond the space of one year. Nor have our Judges, so far as I can find, ever been in the use of dooming to imprisonment for those long terms, of four and five years, of which instances sometimes happen in the practice of England.... Indeed, there have not been many instances of sentences of imprisonment for more than twelve months.' Since this penalty was used so seldom, the burden of maintaining their prisons rested lightly on the shoulders of the municipal corporations of Scotland. They were responsible for the support and administration of prisons in their jurisdiction until 1839, although in 1819³ an Act had been passed, permitting counties to assist them financially.

During the first decade of the 19th century the situation in the prisons of Scotland changed considerably. Imprisonment was increasingly used as a punishment, the gaols became over-crowded, and the expenses of maintaining them grew from year to year. Conditions in these prisons were deplorable in every way. Thom,⁴ writing in

1. Complaints were made on this subject as late as 1854 (Parl. Papers, 1854-5, XXVI, p. 30), when it was also reported that children could not, in future, accompany their mothers to Brixton.

2. Hume, II, 17, 490.

3. 59 Geo. III c. 61.

4. W. Thom - History of Aberdeen; Aberdeen; 1811, II, p. 57.

1811, felt that it was a heavy reproach to the inhabitants of Aberdeen 'that they have not long ago built decent places for the accommodation of those of their fellow men who have the misfortune to be deprived of their liberty, especially when they have expended so much money in works of ornament and grandeur.' In 1818 Elizabeth Fry accompanying her brother, Joseph John Gurney, on a visit to Scottish prisons, was also unimpressed with the Prison in Aberdeen.¹ Four women were confined in a small room, 15 feet by 8 feet, with the husband of one of them, and a child. 'The room was most offensively close, and very dirty: there were two beds in it; in one lay the man, in the other an elderly woman, both ill; the child also looked very sickly. We thought we perceived symptoms in these invalids of jail fever.... Their food appeared to us very insufficient, for they are allowed only one pound and a half of bread with a pennyworth of milk per day; also a little clothing on particular occasions.' The Aberdeen prison was so insecure that, shortly after this visit, the four criminals were able to make their escape. Conditions in Glasgow Jail were no better.² There as many as thirty women were sometimes confined in a small room. Gurney observed that 'when this is the case, they sleep four together, and, from the excessive want of ventilation in the sleeping-cells, must experience sufferings very nearly allied to suffocation.'

In 1829 an Act³ was passed authorising an investigation into the conditions of prisons in Scotland, and requiring magistrates to make reports on their gaols. The Committee of Investigation reported in

1. J.J. Gurney, 3rd ed. 1819; Edinburgh, pp. 33, 34.

2. Ibid, p. 55.

3. 10 Geo. IV c. 54.

1833. It found that¹ 'the gaols in many of the burghs are still in a state utterly unfit for the reception and detention of prisoners;' and condemned the magistrates of many of the smaller burghs as having 'often had an interest to maintain the establishment in the meanest and most unsuitable manner in order to save extraordinary expense to the community.' One of the first results of these findings was the appointment of Frederic Hill as Inspector of Prisons for Scotland,² in 1835. A man of great enlightenment and energy, he began at once to reorganise the prison system in Scotland. The Prisons (Scotland) Act,³ which became law in 1840, assisted him in his task, although the Act in its final form disappointed him, since it failed to grant the amount of centralised control proposed in the original Bill laid before Parliament.⁴

1839 - 1860

The Preamble to the Prisons Act of 1840⁵ described the prisons in Scotland as 'in general insecure and incommodious, incapable of admitting of the adoption of a good system of prison discipline therein.' The Act abolished all fees in prisons, and laid down rules for separate confinement. It appointed a General Board of Directors of Prisons in Scotland, with power to make Rules, which must be approved by the Secretary of State. A new General Prison was to be established at Perth, to which all prisoners serving sentences of

1. 1878-9 - Parl. Papers, 1878-9, XXXIV - p. 2.

2. Under 5 and 6 Will. IV c. 38.

3. 2 and 3 Vict. c. 42.

4. 5th Report of Inspectors of Prisons for Scotland, 1839-40 - Parl. Papers, 1840, XXVI - pp. xiv, xv.

5. 2 and 3 Vict. c. 42.

more than one year could be sent.

Perth Prison was opened in 1842. By this time the Board had decided that prisoners serving sentences of more than six months should also be transferred there from local prisons.¹ 120 cells were set aside for women prisoners.² They were allotted one 'good large bath', and one general water-closet, in which the buckets from the cells could be emptied daily.³ A Matron was appointed⁴ - subordinate to the Governor of the Prison - to be responsible for the instruction of the women prisoners, as well as for their discipline. Her salary was fixed at £100 a year, 'with the allowances of furnished apartments and gas light.' The religious instruction of the prisoners was later taken over by the Chaplain,⁵ and in 1843 two teachers were appointed.⁶ Among the first batch of women prisoners⁷ to arrive at Perth were three children aged under 12, serving sentences of eighteen months to two years; and six children of between 12 and 16 years, two of whom had sentences of more than two years.

In the early years at Perth the health of the prisoners gave rise to a number of difficulties. At first the prisoners had been allowed to open the small windows of their cells,⁸ but when it was discovered that these were being used as a means of communication, the windows were sealed up. The lack of fresh air, however, soon had a bad effect on the prisoners. Eventually a compromise was reached, and

1. Permitted by the 1840 Act, s. 27.

2. 1842 - Parl. Papers, 1843, XXVII - p. 3.

3. Ibid, p. 5.

4. Ibid, pp. 12, 6.

5. 1843 - Parl. Papers, 1844, XXVIII - p. 10.

6. Ibid.

7. 1842, p. 7.

8. 1845 - Parl. Papers, 1846, XX - p. 2.

prisoners were allowed to have their windows 'partially opened.' In 1847 the threat of scurvy caused some improvement in the diet.¹ Prisoners were given a little more meat, and milk was substituted for the 'treacle-water' which had formerly been their main drink.

The occupations of the women prisoners in Perth were described in 1847² as 'flowering, embroidery, Berlin-wool work, shirt making and common sewing.' Weaving had been introduced in 1844,³ and the Matron was given permission to solicit orders from outside firms. In 1846⁴ the Board ordered her to choose materials, so that the women might weave their own dresses. Three years later,⁵ however, conditions of over-crowding in the men's prisons throughout Scotland forced the Board to remove all the women prisoners from Perth. They were returned to the local prisons from which they had originally come, and the staff were dismissed. The Matron - after seven years' service - was given two months' pay, as a gratuity.

By this time the Board had become seriously concerned as to whether the penal regime they administered was 'sufficiently stringent.'⁶ To increase the strictness of prison discipline they installed crank-wheels in all prisons, and, in 1852,⁷ prescribed the exact number of revolutions considered suitable for the various classes of prisoners. Adult females were to perform 12,000 turns each day except Saturday, when only 10,500 were required. The task set for juvenile females was 9,600. 'Hard labour' could be imposed either

1. 1847 - Parl. Papers, 1847-8, XXXIV - p. 9.

2. Ibid, p. 12.

3. 1844 - Parl. Papers, 1845, XXV - p. 12.

4. 1847, p. 14.

5. 1849 - Parl. Papers, 1850, XXIX - pp. 13-14.

6. Ibid, p. 6.

7. 1852 - Parl. Papers, 1852-3, LIII - p. 7.

by the crank, or by picking oakum; and for picking oakum exact rules were also laid down. In 1851¹ an adult female was required to pick 2-3 lbs. of dry oakum every day except Saturday, when she had to pick three-quarters of the ordered quantity. Her task was allotted 'according to the strength and capacity of the prisoner for such work.' For a juvenile female prisoner it might vary from 1½-2½ lbs. of dry oakum. A third method of ensuring that a prisoner should have no comforts in her life was the introduction, in 1852,² of a 'wooden guard-bed' in all prisons. These hard beds were used by all prisoners serving less than one month, and for the first month by any prisoner serving a longer sentence.

In 1853³ the new addition to the prison in Glasgow contained 200 cells for women prisoners. At this time, however, the Board was having considerable difficulty in accommodating all the prisoners in Scotland. When the transportation of women convicts ceased in 1854,⁴ the Board decided that Perth Prison should be used again for women, and that all those with sentences of over nine months should be sent there. By the end of 1855 240 women were confined in Perth.⁵ A Matron was appointed,⁶ with an increased salary of £200 a year, but she was dismissed in 1857,⁷ after accusations of laxity. Her successor lived outside the prison, in a house built for her shortly after her arrival.⁸

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1. 1851 - Parl. Papers, 1852, XXV - p. 8.
 2. 1852, p. 8.
 3. 1853 - Parl. Papers, 1854, XXXII - p. 29.
 4. 1855 - Parl. Papers, 1856, XXXV - pp. 7, 11.
 5. Ibid, p. 12.
 6. Ibid.
 7. 1857 - Parl. Papers, 1857-8, XXX - p. 10.
 8. 1858 - Parl. Papers, 1859, XI - p. 4.

The number of women convicts, serving sentences of penal servitude, increased each year. By 1857¹ the prison at Perth was over-crowded and arrangements had to be made to house the surplus women in Ayr Prison. In 1859² the Board finally fixed regulations laying down stages through which all such prisoners should pass while serving their sentences. Women convicts were to remain in the Probationary Class for one year, and might then be promoted to the Reformatory Class. After a year in this class, they could enter a Second Reformatory Class, and receive certain privileges. Prisoners in the Second Reformatory Class could earn badges, which brought with them extra gratuities, and their period of exercise during the day was increased to two hours, which they might spend walking about in pairs, threes or fours. They could wear a different dress, write a letter every two months, and receive a visit every three months. Work and recreation were conducted in association, and conversation was permitted 'on proper subjects, and in a low tone of voice.' For all classes of prisoners, the Board arranged that there should be a Chapel service each day, and that a Scripture reader should be appointed, to instruct all prisoners for at least half an hour a week. Prisoners of the Probationary Class received instruction in their cells; other prisoners might be taught in small classes.

By 1860 the Board had succeeded in closing 101 prisons in Scotland.³ Eleven new buildings were added, and fourteen prisons had their existing buildings enlarged and improved. Only eight remained unaltered. Throughout this period, however, the main

1. 1857, pp. 6-7.

2. 1859 - Parl. Papers, 1860, XXXVI - p. 69.

3. 1878-9, p. 2.

administration of prisons remained in the hands of the local authorities. This situation was left unaltered by the Prisons (Scotland) Administration Act,¹ passed in 1860. The Act fixed nine months as the minimum sentence to qualify a prisoner for the General Prison at Perth. It ordered the establishment of County Boards, to bear the responsibility of prisons in each county, and substituted 'Managers' for the former 'Directors' of prisons. These Managers continued to administer prisons - with powers similar to those formerly exercised by the Directors - until the establishment of the Scottish Prison Commission in 1877.²

1860 - 1900

During this period there were few changes in conditions for women prisoners in Scotland. Remission of sentences for women convicts was introduced, and the Managers devised a 'Mark system'³ to measure industry and good conduct, so that the period of remission earned by prisoners might be calculated exactly. Although marks might be subtracted for bad conduct, the amount which could be earned depended entirely on industry. Each day the women were marked 'idle', 'industrious', or 'very industrious', on the results of their labours.⁴

In 1887 the marks system was revised, and the Report for that year described the 'progressive' stages⁵ through which the women convicts were expected to pass in Perth Prison. The stages did not

1. 24 and 25 Vict. c. 105.

2. 40 and 41 Vict. c. 53.

3. 1865 - Parl. Papers, 1866, XXXVII - p. 6.

4. Ibid, p. 7.

5. 1886-7 - Parl. Papers, 1887, XLI - pp. 18-21.

vary greatly from those established for convicts in 1859. On arrival the prisoners entered the Probation Class. They wore a brown jacket and red skirt, and were only allowed one visit and one letter every three months. After at least twelve months in the Probation Class, the women might be promoted to the First Reformatory Class, and wear a red jacket with their red skirt. In this class they worked in association for one hour a day, and were allowed to converse 'on proper subjects.' At exercise they might walk in threes, conversing, again 'on proper subjects', and might receive a letter and a visit every two and a half months. Unless the women convicts could read and write there was no hope of their promotion to the Second Reformatory Class. If, however, they were promoted, and remained of good behaviour, they continued in this class for the rest of their sentence. Association was allowed for three hours each day, but conversation had not only to be 'on proper subjects', but also 'in a low tone of voice.' More exercise, variety of work and education was provided for convicts in this class, and they might practise 'sacred music' in classes for half an hour each week. Women of the Second Reformatory Class wore blue jackets with their red skirts, and were permitted a visit and a letter every two months.

In 1860 the total number of women convicts in Perth Prison reached its peak. From this year it began to fall - from 625, in 1860,¹ to 416, in 1862,² and then very rapidly, until by 1896³ there were only sixteen women convicts in custody. In 1878⁴ all male

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1. 1861 - Parl. Papers, 1862, XXV - p. 4.
 2. 1862 - Parl. Papers, 1863, XXIV - p. 2.
 3. 1896 - Parl. Papers, 1897, XL - p. 17.
 4. 1878-9, pp. 11-12.

convicts had been removed from Perth to England, and the question of removing the women at the same time was seriously considered. The Managers eventually decided, however, to retain them in a wing of the prison erected for the treatment of long-service prisoners. In 1864 a new Criminal Lunatic Department had been completed at Perth.¹ This was now quite separate from the Prison, divided from it by a high wall and with its own grounds sloping down to the Tay.

The main administrative change in the period between 1860 and 1900 was the establishment of the Scottish Prison Commission in 1877. Under the Act of 1860² 21 more prisons had been closed, and seven rebuilt, but the Managers still had little power over local authorities to meet any difficulties which might arise through fluctuations in the criminal population of the country. One prison might become over-crowded, while a few miles away another stood practically empty. In 1877,³ however, the roles of the government and the local authorities were reversed. The government took over the administration of the prisons, and Visiting Committees - drawn from the local population - were appointed to act as supervisory bodies over prisons in their areas.

With such centralised control, it was possible to bring far greater uniformity and order into the prison system throughout Scotland. The new arrangements undoubtedly improved conditions for prisoners in local prisons, but - as in England - by the end of the century leaders of opinion came to feel that humanity and care had perhaps been sacrificed too much to the desire for uniformity. In

1. 1864 - Parl. Papers, 1865, XXIII - p. 5.

2. 1878-9, p. 3.

3. 40 and 41 Vict. c. 53.

1900 the Departmental Committee on Scottish Prisons, set up to investigate such criticisms, published its Report.¹ Its findings concentrated mainly on medical conditions for prisoners. Suggestions had been made that a trained nurse should be appointed to Duke Street Prison in Glasgow, which by this time had become the main prison for women in Scotland. The Matron considered there was a definite need for permanent resident care.² The Committee, however, decided that it could not recommend this appointment,³ and that the Matron should continue her practice of sending out for nurses from outside the prison, when they were required. They also suggested⁴ that the Commissioners should enter into arrangements with nursing establishments in Edinburgh, Glasgow and elsewhere, so that nurses could be despatched without delay to any part of the country where they were needed. The Committee considered that the hospital accommodation at Duke Street was quite inadequate. Separate accommodation should be provided, instead of the number of small wards - formed by knocking three cells into one - which were used at this time.⁵

Other recommendations made by the Committee were that prisoners should have larger pillows⁶ - similar to those used in England - that the diet should be improved,⁷ and that more skilled work should be provided for women prisoners,⁸ as by the use of knitting-machines. They disapproved of the chapel at Duke Street;⁹ and drew particular

1. Report, Parl. Papers, 1900, XLII.

2. Minutes - Parl. Papers, 1900, XLII - p. 45.

3. Report, p. 11.

4. p. 12.

5. p. 13.

6. p. 23.

7. pp. 21-2.

8. p. 23.

9. p. 24.

attention to the isolation cells,¹ provided for noisy and violent women. These were sometimes so placed 'as to be exceedingly dark', and the Committee could find 'no reason to add darkness to isolation.' They stressed² that women should never be confined in such cells, except with the sanction of the Governor.

The Minutes of Evidence given before the Committee contain much valuable information. A Lady Visitor at Edinburgh³ considered the food given to women prisoners was sufficient, but admitted that, on their release, it took them 'some time to get strong again.' The Matron of this prison,⁴ referring to the isolation cells, confessed that they were 'very dark.' Prisoners were usually confined from 10 a.m. to 12 noon, and brought up when they promised to behave. It was merely 'understood', but not laid down, that they should not be left there all night. Occasionally, however, there were signs of more enlightened opinions. A Lady Visitor at Ayr⁵ stressed her view that prisons concentrated too much on routine, and not enough on the prisoners as individuals. The Governor of Duke Street, Miss Stirling, showed a humanity which was absent from the evidence of many of the other women. Contamination, she agreed, must firmly be avoided, but⁶ 'hardened criminals are not so unkindly disposed to a young person as one would think.' She found no harm arose from association at work,⁷ provided great care was taken in the choice of prisoners for such association; and felt strongly that, when choosi

1. Ibid.

2. pp. 24-5.

3. Minutes, p. 22.

4. Ibid, p. 27.

5. Ibid, p. 82.

6. Ibid, p. 48.

7. Ibid, p. 46.

forms of employment for prisoners, it should always be remembered that¹ 'the more interesting and useful the occupation you give to prisoners, the better the results will be.'

1900 - 1921

During this period the history of prisons in Scotland is very similar in pattern to that of England and Wales. At the beginning of the century women convicts were housed in the General Prison at Perth. Their numbers had been decreasing for some time and continued to do so. In 1908² the Commissioners remarked that sentences of penal servitude were 'now very rarely imposed on women.' The total number of women convicts in custody during 1908 was five, and by December 31st only four remained in the prison.³ These four women had been convicted of theft and housebreaking, and were serving sentences ranging from three to eight years. In 1920⁴ the Commissioners reported that there were still only four women convicts in custody. The courts continued to be reluctant to sentence women to penal servitude, and indeed, during 1920, no women at all were punished in this manner.⁵

By 1920 the State Inebriate Reformatory for Women - which had been established in Perth Prison⁶ in accordance with the Inebriates Act, 1898⁷ - was practically empty. For the greater part of the year it contained only one inmate. After the opening of the

1. Ibid.

2. 1908 - Parl. Papers, 1909, XLV - p. 7.

3. Ibid.

4. 1920 - Parl. Papers, 1921, XVI - p. 11.

5. Ibid.

6. 1920, p. 12.

7. 61 and 62 Vict. c. 60.

Reformatory, the first woman to arrive had been so unruly that she had to be removed on warrant from the Sheriff,¹ which was scarcely an encouraging start to the experiment. By 1904,² ten women had been sent direct from the courts, and thirteen transferred to Perth from certified inebriate reformatories. In that year the Reformatory contained one man and eleven women. As the Report observed,³ 'this statement will suffice to show that the Act of Parliament under which the establishment was created does not work effectively.' When the Medical Officer in charge of the Reformatory retired in 1908, the Governor of Perth Prison took over his duties.⁴ A year later the Commissioners expressed the opinion that it was⁵ 'not worth keeping up the institution.' In 1910 they added their view that most of those admitted to the Reformatory were 'humanly speaking, hopeless cases.'⁶

The sentence of preventive detention - after the Prevention of Crime Act, 1908⁷ - also failed to find favour with the courts in Scotland. Three women were sentenced to preventive detention in 1910, and three in 1911.⁸ In 1913, however, none were so sentenced, and as there were only three women altogether in detention the Report for that year observed,⁹ with justice, that this Act too was 'practically a dead letter.' By 1916¹⁰ the number of women

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1. 1902 - Parl. Papers, 1903, XXIX - p. 94.
 2. 1904 - Parl. Papers, 1905, XXXVII - p. 9.
 3. Ibid.
 4. 1908, pp. 9, 10.
 5. 1909 - Parl. Papers, 1910, XLV - p. 10.
 6. 1910 - Parl. Papers, 1911, XXXIX - p. 12.
 7. 8 Edw. 7 c. 59.
 8. 1911 - Parl. Papers, 1912-13, XLIII - p. 10.
 9. 1913 - Parl. Papers, 1914, XLV - p. 12.
 10. 1916 - Parl. Papers, 1917-18, XVIII - p. 6.

preventive detainees in Scotland had been reduced to one, who was housed with the other convict prisoners in Perth.

The establishment of a Borstal Institution for girls - authorised by the same Act of 1908 - was achieved in 1911,¹ when part of Dumfries Prison was set apart for this purpose, under the name of Jessiefield Institution. Girls were to be trained in 'cooking, laundry work, sewing, knitting, etc., in addition to schoolwork.' One immediate difficulty was that only a small number of girls were sentenced to Borstal training, but the numbers rose over the years. At the beginning of 1913² there were six girls in Jessiefield; by the end of the year there were sixteen. The Borstal population had increased so much by 1914³ that it was decided to use a small part of Duke Street Prison for girls whom the authorities wished to keep separate, or to remove from Jessiefield. In 1917⁴ a part of Greenock Prison was also taken over as a Borstal Institution.

The Commissioners reported in 1919⁵ that Jessiefield was 'always full.' The girls there were educated by a certificated teacher,⁶ and were allowed 'walking exercise' outside the Institution,⁷ in charge of an officer in plain clothes - a privilege which was apparently much enjoyed. Gardening⁸ had been added to their other occupations, and for this they showed particular enthusiasm. When the girls left the Institution, the Central Association found work

1. 1911, p. 9.

2. 1913, p. 12.

3. 1914 - Parl. Papers, 1914-16, XXXIII - p. 10.

4. 1917 - Parl. Papers, 1918, XII - p. 5.

5. 1919 - Parl. Papers, 1920, XXIII - p. 7.

6. Ibid, p. 10.

7. Ibid, p. 60.

8. Ibid.

for them.¹ The Report observed that there was 'no difficulty in finding situations; but great difficulty in getting girls to stay in them.' The number of girls sentenced to Borstal treatment continued to increase, and in 1920, as well as Jessiefield, parts of Greenock and Duke Street prisons were still in use. The Commissioners² considered this splitting-up of the Institutions for Borstal treatment far from ideal. 'A separate institution unconnected with any prison' was needed for the Borstal girls. Lack of money was the difficulty then; and lack of money continued - for nearly forty years - to prevent this recommendation ever being put into practice.

The Annual Reports for these years often mention the activities of the Lady Visitors. A particularly valuable part of their work at this time was the establishment of 'Brabazon Classes.' The Report for 1902³ stated that a trial of 'reformatory method' was being made in the Female Prison in Glasgow, 'where a selected number of the prisoners are allowed twice a week to learn decorative needle-work under ladies of the Brabazon Society.' Brabazon classes were next carried on in Edinburgh Prison, and in 1910 the work was extended to Perth.⁴ In 1919 the Governor of Duke Street reported⁵ that 'it is hardly possible to over-estimate the Brabazon class; the refining influence and the instructive character of which have always been recognised.' The work of the Lady Visitors brought some

1. Ibid, p. 7.

2. 1920, p. 7.

3. 1902, p. 9.

4. 1910, p. 10.

5. 1919, p. 44.

interest into the drab life of the women prisoners. Since 1903¹ the monotony had been relieved to a certain extent by arrangements for lectures to be given in prisons, in order to check the 'hardening' effects of prison life; and in 1904² Swedish drill was introduced in Glasgow, and later extended to other prisons.³ The Report for 1912⁴ also mentions the efforts made by prison staff to occupy illiterate prisoners during the hours of recreation, by encouraging them to repair their own clothes, or to make others with material supplied by the Lady Visitors.

The Commissioners' Reports contain strong views on many problems which complicated the administration of prisons in Scotland during this period. For some time the presence of a large number of mentally defective prisoners had disturbed the authorities. In 1910⁵ the Commissioners observed that legislation was urgently needed to deal with this problem. Three years later the Mental Deficiency and Lunacy (Scotland) Act⁶ was passed, and it was then proposed that mentally deficient prisoners in Scotland should be treated in Perth Prison.⁷ A separate unit would be provided later 'if numbers are enough to warrant it.'

The number of persons in Scotland sentenced to imprisonment for all offences rose very rapidly after 1872. From 18,000 in that year, it increased to 67,000 by 1902.⁸ The offences concerned were mainly

1. 1903 - Parl. Papers, 1904, XXXVI - p. 8.

2. 1904, p. 7.

3. 1905 - Parl. Papers, 1906, LI - p. 8.

4. 1912 - Parl. Papers, 1913, XXXVIII - p. 12.

5. 1910, p. 11.

6. 3 and 4 Geo. 5 c. 38.

7. 1913, p. 10.

8. 1902, p. 6.

trivial, with imprisonment imposed as an alternative to a fine. The Report for 1910¹ stated that 47% of those persons fined with an alternative of imprisonment went to prison in Scotland, compared with 20% in England. According to the Commissioners the fines were far too high in proportion to the means of the prisoners - sometimes because courts of summary jurisdiction really intended to impose a punishment of imprisonment anyway; sometimes because a certain sum for a certain offence had become fixed by custom. Such apparent equality of treatment, they complained, resulted 'in gross inequality of punishment.'²

These points were re-emphasised in 1913, and the Commissioners then pleaded for more Probation Officers to be appointed.³ Two years before they had regretted⁴ that, due to the lack of officers, probation did not seem to be making much headway. This situation would not be remedied until there was greater state control and some help was given to local authorities towards the salaries of probation officers. In 1919⁵ the position seemed little better, and only in a few courts was extensive use made of probation. The Commissioners felt that the system had not been given 'a fair chance, and consequently has become discredited.'

When comparing the figures of the prison populations and the discipline enforced in the prisons of the two countries at this time, the relative poverty of Scotland compared with England must be kept in mind. The Scottish administration felt deeply that the number

1. 1910, p. 7.

2. Ibid.

3. 1913, pp. 7-8.

4. 1911, p. 7.

5. 1919, p. 9.

of persons imprisoned for 'disorder' was a 'national disgrace.'¹ Conditions of poverty and unemployment in Scotland, however, could not but encourage such offences, which - until the establishment of adequate penal measures to take the place of imprisonment - were bound to fill the prisons each year with large numbers of petty offenders, unable to pay the fines offered them as an alternative.

1. 1904, p. 6.

Chapter 21

SCOTTISH PRISONS - 1921 - 1958

In 1929¹ control of Scottish prisons passed from the Scottish Prison Commissioners to the Prisons Department for Scotland. The Secretary of State for Scotland retained his powers of direction and supervision. Ten years later, in 1939,² prison administration was again reorganised, and the Prisons Department became a Division of the Scottish Home Department. This Department now controls the day to day administration of prisons in Scotland, the treatment of prisoners, and the appointment, discipline and conditions of service of prison officers. Prison buildings and supervision of medical services remained the responsibility of the Department of Health, under the ultimate control of the Director of Scottish Prison and Borstal Services.

During this period the main change which affected women prisoners in Scotland was the transfer of the largest women's prison from Duke Street, Glasgow, to Greenock, in 1955. In 1937³ the Prisons Department had purchased land at Greenfields, near Lightburn Hospital, with the intention of building a new prison for women, but the outbreak of War in 1939 put an end to this project. In 1949 the Scottish Advisory Council on the Treatment and Rehabilitation of Offenders recommended - as many others had done before - that Duke Street should

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1. Reorganisation of Offices (Scotland) Act, 1928, (18 and 19 Geo. 5 c. 34) - Report for 1929 - Parl. Papers, 1929-30, XVII, p. 14.
 2. Reorganisation of Offices (Scotland) Act, 1939, (2 and 3 Geo. 6 c. 20).
 3. 1937 - Parl. Papers, 1937-8, XIV - p. 62.

be abandoned,¹ and women prisoners housed in an establishment set 'in grounds sufficiently large for the erection of "houses" therein.'² When, however, in 1955, Duke Street was eventually closed, financial restrictions prevented the construction of a prison designed specially for women. The prisoners in Duke Street were merely transferred to the former men's prison at Greenock. Improvements were made to provide amenities for prisoners and staff, but Greenock remained a security prison, with limited space and facilities behind its high walls, and quite unable to offer conditions and scope for progressive training such as had been envisaged by the Advisory Council.

Duke Street Prison

In 1921 Duke Street was still predominantly a male prison. The building was old and inconvenient; and was, indeed, not equipped with electric light until 1926.³ In 1928⁴ the Commissioners found themselves compelled to install machinery in the laundry, 'in order to overtake the laundrywork,' since the small number of women confined at Duke Street were unable to compete with the large quantity of washing sent in from Government offices and from private families in Glasgow, as well as with the washing for the prison itself. At this time the Governor made certain suggestions to the Commissioners for improving the routine of the women prisoners, and these suggestions were adopted in 1930.⁵ Prisoners who had received sentences of

1. The Scottish Prison System; H.M.S.O. Edinburgh; 1949, p. 26.

2. Ibid.

3. 1926 - Parl. Papers, 1927, XII - p. 58.

4. 1928 - Parl. Papers, 1928-9, IX - p. 13.

5. 1930 - Parl. Papers, 1930-1, XVI - pp. 14, 15.

three months and more, and had been of good behaviour for the first month of their sentence, were allowed to associate in the evenings for a period of an hour and a quarter. In winter, or when the weather was bad, this time was spent indoors - two rooms being set aside for the purpose. In summer the women were allowed outside to talk together and walk about in pairs in the exercise yard. Seats were provided for any who were elderly or infirm. The Report for 1930 observed that the prisoners greatly valued this concession, and their behaviour had been excellent. All prisoners who were able to knit had taken advantage of the opportunity to do so during this period of association. A year later the population of Duke Street was increased by the transfer from Dumfries¹ of the convicted women prisoners. A number of male prisoners still remained in Duke Street, however - in 'D' Hall - to help with maintenance work, although by this time the prison had been restricted mainly to women.

In 1940² the mark system was abolished in Scottish prisons, and scales of remission for prisoners serving sentences of imprisonment and penal servitude were increased. The War brought few other changes to Duke Street. The prison escaped damage during the bombing raids on Glasgow, and the occupations of the prisoners varied little from those which had existed before the War. In 1946 the prison received the first woman Governor to be appointed in Scotland - the Hon. Victoria Bruce. Miss Bruce came to Duke Street from Aylesbury, and remained as Governor until her death in 1951. She was greatly loved and admired, and a benevolent influence in the unpromising

1. 1932 - Parl. Papers, 1932-3, XV - p. 5.

2. 1939-48 - Parl. Papers, 1948-9, XX - p. 13.

surroundings of the prison. In 1948 she gave evidence before the Scottish Advisory Council, who were most unfavourably impressed both by the buildings of Duke Street, and by the conditions under which women were confined there. The Council considered the prison quite 'unsuitable for the detention of prisoners,'¹ and recommended in 1949 that it 'should be given up as soon as possible.' This recommendation can have caused little surprise. At that time a daily average of less than 70 women prisoners were being detained in a gloomy and antiquated building with accommodation for 500.

From 1946 to 1951 women in Duke Street continued to be employed mainly on domestic work. They made clothes for men and women prisoners, and laundered prison clothing, bedding, and a variety of articles, such as towels, for Government departments.² The small number of young prisoners, aged between 16 and 21, were kept apart from the others.³ During the day most of them were also employed on domestic work, but in the evening they received instruction in embroidery and dressmaking. The Report for 1952⁴ noted a rise in the output of garments made by prison labour - due partly to an increase in the number of women in custody during the year, but also to the provision of additional machines in the workrooms.

Another woman Governor was not appointed until 1954, when Miss E.I.W. Hobkirk, who had been Deputy Director, W.R.A.C., took over the prison. Her enlightened and progressive policy with the women prisoners and Borstal girls brought about many improvements in prison

1. Scottish Prison System, p. 26.

2. 1951 - Parl. Papers, 1951-2, XVIII - p. 13.

3. 1950 - Parl. Papers, 1950-1, XIX - p. 15.

4. 1952 - Parl. Papers, 1952-3, XVI - p. 14.

conditions during the ensuing four years. Within a year of her arrival Duke Street finally closed, and the women prisoners were moved to Greenock.

Greenock Prison

Greenock Prison, into which Miss Hobkirk, her staff, and some forty women prisoners moved in 1955, was only half the size of Duke Street. It had accommodation for 93 women, but from 1955 to 1958 the highest number in occupation at one time was 74, in 1958.¹ Over these four years the daily average number of women prisoners at Greenock varied between 45 and 60.² A small men's wing was retained in a separate part of the prison, to help with the maintenance work,³ and to house men prisoners who, for particular reasons, were detained in the Greenock area.

Prison work for the women at Greenock was very much the same as that provided formerly at Duke Street. Conditions were, however, much improved. The Report for 1955⁴ observed that the output of women prisoners had increased considerably since Duke Street was closed, 'owing to the improved conditions in the reconditioned workshop at Greenock.' In 1957⁵ more modern sewing and knitting machines were installed in the workroom, and output again increased. Throughout these years, from 1955 to 1958, the workroom was fully employed, making cardigans and gloves for male officers, jerseys, pullovers,

1. 1955-8. See Reports - 1955, p. 23; 1956, Cmd. 164, p. 23; 1957, Cmd. 429, p. 27; 1958, Cmd. 765, p. 33.

2. Ibid.

3. 1955, p. 5.

4. Ibid, p. 13.

5. 1957, p. 14.

aprons, collars and socks for men prisoners, and dresses, overalls, underskirts and nightgowns for women prisoners.¹ A number of articles were also made for general prison use, such as mattress covers and cases, pillow slips, bed sheets and towels.

Women prisoners with practical ability, and serving sentences long enough for them to be properly trained, were taught to use sewing and knitting machines of modern design. It is, in fact, always easier to provide work for women in prison than for men. The occupations of women prisoners seldom compete with outside industries, and do not involve the prison authorities in disputes with Trades Unions. A more difficult task is to find work for unskilled short-term prisoners. To provide simple manual work, clean and suitable for female labour but not excessively monotonous, is a problem which has not yet been satisfactorily solved. There are many advantages for women in work which entails the assembling of articles - such as the labels used to employ short-term prisoners in Edinburgh - rather than work which entails breaking-up or dismantling. Such tasks are, however, merely time-consuming, and by no stretch of imagination can they be considered as contributing to the 'training' of prisoners.

After the move to Greenock certain changes were made in the education programme provided for women prisoners. Illiterate prisoners, with sufficiently long sentences for them to benefit by instruction, could attend classes in reading, writing and simple arithmetic, but the number willing to attend such classes was small. In 1956 a State-Registered Nursing Sister was appointed to the staff,

1. 1958, p. 17.

to work under the Medical Officer. She started classes for the prisoners in home nursing and child-care.¹ During the last year in Duke Street some women prisoners had received instruction for the St. Andrews Ambulance Association certificates in first aid and home nursing. Similar classes in first aid were continued at Greenock, and in 1958² seventeen women - almost all the women serving sentences long enough for them to complete the course - took one of the Red Cross Society's examinations and obtained certificates and medals. Dressmaking and handicrafts classes were provided, and cookery continued to be one of the most popular evening classes. The Report for 1958³ observed that many of the women took detailed notes, which they kept and took away with them when they were released from prison.

In both the cookery and child-welfare classes particular care was taken that the kind of materials and furniture which the women would be likely to have in their own homes should be used for demonstrations and practice. In 1957⁴ the Prisons Division expressed their desire to help the women 'to be more competent in looking after their homes on liberation.' To achieve this, the prisoners in Greenock were taught to plan family budgets, and the cookery classes aimed to show the women how to provide well-balanced meals at a reasonable price. In Scotland - as in England and Wales - it was at last acknowledged that women prisoners must be returned to society trained as efficient housewives, rather than as efficient housemaids.

In 1955⁵ a country-dancing class was started in the prison, and

1. 1957, p. 16.

2. 1958, pp. 19, 20.

3. Ibid, p. 19.

4. 1957, p. 16.

5. 1955, p. 15.

the Report for that year noted that 'the long-term prisoners organised occasional evening social functions to which prison visitors were invited, the cost being met from wage earnings.' The prison library at Greenock came under the care of the local Greenock library, which kept the prisoners well supplied with books. The W.V.S. also took an active interest in the prison, and in 1958¹ gave a series of lectures in connection with their 'One in Five Scheme', instructing the women in the general precautions necessary if there should be a nuclear war. The year before they had provided a roll of tweed, which was made up into trousers for small boys in the prisoners' spare time, and then returned to the W.V.S. for distribution. A voluntary class was also organised by Miss Fraser, the Chief Officer, in which prisoners could make children's clothing out of gifts of old clothes which had been sent to the prison. The women might take this work to their cells, to do in their spare time, and were allowed to buy the finished garments for a nominal sum. Any surplus was sold at the Annual Sale.

The prisoners detained in Greenock, and - before 1955 - in Duke Street, came from all parts of Scotland. In 1926² convicted women prisoners had been removed from Greenock to Duke Street, and in 1931 the convicted women in Dumfries were also sent to Glasgow.³ Centralisation was completed in 1950, when the women's side of Perth Prison (which had taken women from Aberdeen, Perth and Inverness) was closed down.⁴ At the end of 1958 Edinburgh Prison still contained a

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- 1. 1958, p. 4.
 - 2. 1926, p. 8.
 - 3. 1932, p. 5.
 - 4. 1950, p. 7.

number of women serving short sentences. There was also a small amount of accommodation for untried women in Barlinnie (Glasgow), Aberdeen, Dumfries and Perth. The women's prison at Barlinnie was opened in 1955.¹ It was built specifically for the detention of remand prisoners, to take the untried women formerly confined in Duke Street, and was, without doubt, the best accommodation for this purpose to be found in any Scottish prison in 1958. Women serving sentences of more than a few days were transferred to Greenock as soon as possible after conviction. There are never likely to be large numbers of women prisoners in Scotland, and the policy of the Prisons Division to concentrate this small group of women in one prison was greatly to be welcomed. Only in this way could progressive schemes of training be introduced, and all women prisoners be given the chance to benefit from the various welfare services, so important for their rehabilitation.

The Prison Population

Throughout this period (1921-1958) the number of women imprisoned in Scotland remained small. In 1928² the Prison Commissioners complained that the scarcity of women in prison made it difficult to carry out the 'necessary work', and similar complaints continued to occur in the annual reports up to the War. The actual proportion of women in the total prison population also declined. In 1900, they had formed 23.2% of the total average daily population. By 1920, this figure had decreased to 14.6%, in 1930

1. 1955, p. 5.

2. 1928, p. 13.

to 10.9%¹ and by 1958² the percentage of women had further declined to 4.38, although there had been a slight rise since 1956,³ when the figure was 4.32%. The average length of sentence imposed on women offenders continued to be low. In 1950⁴ it was 40.1 days, in 1955,⁵ 47.08, and in 1958,⁶ 46 days. Very few women received sentences of more than twelve months. From 1955 to 1958,⁷ only nine women received sentences of three years, and the longest sentence imposed on a woman was one of four years' imprisonment, in 1958.

The types of crimes and offences committed by women in Scotland have not varied greatly since 1921. Crimes of violence resulting in imprisonment, which had numbered 42 in 1912, sank to 29 in 1938, and to 7 by 1958.⁸ There was little change in the number of women imprisoned for bigamy (5 in 1913, and only 1 in 1958) or for house-breaking (24 in 1913, and 26 in 1958), but for no very obvious reason the figures for bigamy rose steeply in 1938 and those for housebreaking fell to a particularly low level in 1956. Throughout these years theft remained the crime committed most frequently by women.

The number of women imprisoned for the offence of vagrancy fell from 148 in 1913 to 8 in 1958, but the three categories of feminine offences which had predominated in 1913 continued to do so throughout this period.⁹ Figures of women imprisoned after conviction for breach of the peace, drunkenness and prostitution in 1913 were,

1. 1930, p. 5.

2. 1958, p. 11.

3. 1956, p. 9.

4. 1950, p. 11.

5. 1955, p. 7.

6. 1958, p. 9.

7. 1955, p. 41; 1956, p. 41; 1957, p. 45; 1958, p. 51.

8. 1958, p. 10.

9. Ibid.

respectively, 4,214, 5,542 and 1,270; in 1958 these figures were 261, 232 and 59. In both years, however, these three offences far outnumbered any other crimes or offences committed by women. The need to solve the problems of the alcoholic and the prostitute, if any progress was to be made in the treatment of feminine delinquency, remained as urgent in 1958 as it had done in 1921.

Although there were few women prisoners in Scotland, in some ways they posed greater problems to the authorities than the men. The Report of 1938¹ observed that the proportion of illiterates in prisons had decreased from 11.49% some twenty-five years earlier to 3.08% - but the proportion of women illiterates continued to remain high. In that year, out of 2,097 women prisoners, 150 were illiterate, whereas only 238 out of 10,506 men prisoners were unable to read and write.² In 1958 almost half the women in Greenock could be classed as 'illiterate' or 'semi-illiterate', and of these a number of elderly women had no desire to be instructed in reading or writing. At the other extreme, it was rare to find in Duke Street or Greenock a woman classified as 'of superior education.' Between 1955 and 1958 only four women were placed in this category.³ The provision of correspondence courses and academic work was, therefore, not as necessary in Scotland as it was in women's prisons in England, although prisoners in Greenock serving a year or longer might take a correspondence course in any subject that would help to rehabilitate them.

1. 1938 - Parl. Papers, 1938-9, XIV - p. 13.

2. Ibid.

3. 2 in 1955 (p. 7) and 1957 (p. 8); but none in 1956 and 1958.

Preventive Detention and Corrective Training

In 1925,¹ one woman prisoner, who had been sentenced to preventive detention under the Prevention of Crime Act, 1908, was held in a part of Duke Street Prison. Since the passing of the Criminal Justice (Scotland) Act, 1949, - which kept the sentence of detention at from five to fourteen years, but laid down that it should be passed instead of, not in addition to, a sentence of imprisonment - no woman has received such a sentence in Scotland. The prison population of Greenock, therefore, unlike that of Holloway, contained no 'preventive detainees.' It also contained very few women serving sentences of corrective training.

Only on rare occasions did the Scottish Courts award sentences of from two to four years' corrective training to women. In 1952,² there was one woman in Duke Street undergoing such training. She was trained as a sewing machinist, until her release on licence in 1953. Another woman, sentenced in 1954,³ was moved to Greenock in 1955, and released the following year. In 1958,⁴ two women were serving sentences of corrective training in Greenock, but both had been sentenced in England, and had then been transferred to Scotland. The Report for 1958 observed⁵ that they were given 'special individual attention' in the prison. With such small numbers, however, any attempt at group training was out of the question.

The problems provided by women undergoing corrective training illustrate the difficulties which faced the authorities in Scotland,

1. 1925 - Parl. Papers, 1926, XV - p. 17.
 2. 1953 - Parl. Papers, 1953-4, XVIII - p. 15.
 3. 1955, p. 14.
 4. 1958, p. 18.
 5. Ibid.

in their attempts to introduce progressive training schemes for the female prison population. Although the numbers were small and, therefore, easy to handle, the problem of providing training and education for the many different types of women who might be confined in Greenock at the same time was not easy to solve. The abilities and needs of these prisoners were likely to vary, not only from year to year, but from month to month during each year.

Prison Clothing

In 1936,¹ the Prisons Department appointed a staff committee 'to consider and make recommendations with regard to the clothing of female prisoners and of infants (which was antiquated in some respects).' The recommendations made by this committee were adopted, and the Report of 1938² noted that 'the somewhat clumsy, voluminous clothing of female prisoners' had been done away with and replaced by garments of more 'modern' design. Less 'antiquated' clothing was also provided for the many infants who spent time in prison with their mothers. The Report of the Scottish Advisory Council in 1949,³ however, did not express such satisfaction with the 'modern' clothing provided for women prisoners. The outer clothing at this time consisted of a brown cotton frock and cardigan jacket, but 'as prison clothes are made in standard sizes except in the case of women prisoners when only one size is made, the fit often leaves a good deal to be desired.' The Council recommended⁴ that the clothing

1. 1936 - Parl. Papers, 1936-7, XV - p. 14.

2. 1938, p. 18.

3. The Scottish Prison System, p. 13.

4. Ibid, p. 30.

should be well-fitting and attractive in its variety and colour, as well as 'modern in design.' They stressed that every woman prisoner should be encouraged to take a pride and interest in her personal appearance, including the care of her hair and hands. 'Nothing is worse to a person's self-respect than to be made to wear badly fitting clothes resulting in a grotesque appearance.... It is especially important that care should be taken in the choice of clothing for women prisoners, particularly the long-term women prisoners, as it is a definite item in the treatment for building up morale and self-respect.'

By 1958, considerable improvements had been made in the dress issued to prisoners in Scotland. In 1957 clothing for women prisoners had been completely reorganised after a meeting between a member of the Scottish Home Department, Miss Hobkirk, the Industrial Adviser, and the Chief Officer and Steward at Greenock. Ordinary underclothes, including shop-made brassieres, 'roll-ons' and corsets, were provided in place of the thick liberty bodices and long grey bloomers worn formerly. A coloured cardigan could be worn out of working hours, and the prisoners had a choice of four colours. They might also choose their dresses - having again the choice of four colours. A Vogue pattern had been selected for these dresses, which could be adjusted to fit a wide variety of figures. Brown check overalls were worn at work. The shapeless nightdress provided for women prisoners was possibly the least satisfactory article of clothing. Soft black and brown slippers were worn as an alternative to black walking shoes, a smarter and more practical form of footwear than the carpet slippers provided for women in England.

It still remained necessary, however, to retain a small amount of the old 'voluminous' clothing for prisoners in the higher age groups. Some elderly women, who spent a considerable part of their lives in prison, preferred the warmth provided by the old liberty-bodice and long grey bloomers to the more modern undergarments. Women prisoners conform less to a pattern than men, and since no woman in prison - young or old - is likely to be rehabilitated by being clothed in a type of garment she finds either humiliating or comfortable, a certain degree of flexibility in the provision of clothing will always be found to be both necessary and desirable.

Diet

Replacement and improvement of kitchen equipment was begun in 1949,¹ and in the same year effect was given to a recommendation by the Advisory Council that ordinary table equipment should be provided in all prisons. In 1958, women prisoners confined in Greenock ate at tables for four, ~~their places and their companions being selected by the Governor.~~ Up to 1949² it had been the practice to issue rations to individual prisons daily, but in that year the Prisons Department inaugurated the system of issuing rations in bulk weekly, thus giving more scope for variety in catering. When the women prisoners were transferred to Greenock in 1955, they had taken over the cooking and kitchen work of the prison, which formerly had been performed by the Borstal girls. The women cooked also for the few male prisoners, who had been retained in a small part of the prison

1. 1949 - Parl. Papers, 1950, XIII, - p. 11.

2. Ibid.

to help with the maintenance work. The Report of the Advisory Council in 1949, expressed the Council's satisfaction¹ 'that every effort is being made to provide wholesome food in sufficient quantity' in Scottish prisons, although they suggested that greater variety should be introduced into the diet. The diet in 1958 in fact varied little from that provided for the women in 1949, apart from the provision of a different breakfast on Sundays to weekdays. Formerly porridge, tea, bread and margarine had been provided on every day of the week.² Considerable improvements had also been made both in keeping the food warm and in its service at table.

Punishments

As late as 1943,³ women in Duke Street were still being punished for serious offences by sleeping on a wooden guard bed; but this form of punishment had fallen into abeyance long before Duke Street closed down in 1955. 'Special Diet' remained as a punishment for women prisoners throughout this period. This implied plain though nourishing food - soup and pudding, cocoa instead of tea, porridge, margarine and bread. Punishments entailing a reduction in diet became, however, less frequent over the years. In 1958,⁴ six women were punished in this way, but in 1956⁵ only two women had been so punished, and in 1955,⁶ none. The most usual punishments in 1958⁷ were forfeiture of privileges, regarding smoking, recreation and

1. The Scottish Prison System, p. 31.

2. Ibid, p. 40.

3. 1939-48, p. 30.

4. 1958, p. 35.

5. 1956, p. 25.

6. 1955, p. 25.

7. 1958, p. 35.

association. Deductions were also made from earnings, and in seventeen cases payments were required from earnings, for damage or losses caused by a woman prisoner. Only in the case of grave offences would reduction of diet have been used as a punishment in 1958.

Physical and Mental Health

By the end of this period a number of reforms had been introduced to improve the health of women prisoners in Scotland. Women who were pregnant were sent to the Maternity Hospital immediately prior to the birth of their babies, and could bring the babies back with them to prison, and look after them there for up to six months. In special circumstances the babies might remain for nine months. As has been mentioned, in 1956 a qualified state-registered Nursing Sister was appointed to the staff at Greenock. She included among her duties the pre-natal care of any expectant mothers who were admitted to the prison. These women also attended an outside ante-natal clinic before their babies were born.¹

At Greenock, as at Duke Street, a hospital room was set aside for prisoners who might need medical care, and a doctor visited the prison each day. Whereas the greater proportion of men's ailments treated in prison develop after they have begun to serve their sentences, the opposite seems to be true of women. In 1951,² it was estimated that three-quarters of the women who needed treatment had contracted their illness before being admitted to prison. Syphilis

1. 1956, p. 20; 1958, p. 29.

2. 1951, p. 17.

and gonorrhoea - though now largely controlled by penicillin - have been the main diseases for which women prisoners have required treatment in modern times. During this period the numbers of women suffering from these diseases varied widely - for no obvious reason - from year to year. In 1953,¹ 57 cases of syphilis and 54 of gonorrhoea were diagnosed among women prisoners; in 1957,² however, while the figure for syphilis had sunk to four, 67 women were admitted to prison suffering from gonorrhoea. By 1958 all prisoners suffering from venereal diseases were treated at local specialist clinics,³ and reorganisation of the system for medical examination enabled much more accurate records to be kept.

The⁴ 'very serious shortage of institutional accommodation for feeble-minded and/or mentally defective delinquents in Scotland' created serious problems for the Prisons administration during the years following the War. The Report of 1939-48 observed that⁵ 'until adequate accommodation for this section of the population is made available, considerable numbers of them will continue to circulate between the prisons and the slums in a vicious circle which cannot at present be broken.' In 1953,⁶ it was stressed again that, whereas there was little delay in securing the admission of cases certified insane to mental hospitals, the difficulty 'in disposing suitably of mental defectives continued, owing to lack of accommodation.' The problem of finding sufficient accommodation for mentally

1. 1953, p. 20.

2. 1957, p. 23.

3. Ibid.

4. 1939-48, p. 20.

5. Ibid.

6. 1953, p. 21.

deficient delinquents was, however, less difficult to solve in the case of women than of men. Places were found for all except the completely unmanageable in local institutions for defectives throughout Scotland without excessive delays. The occasional female mental defective who could not be managed in a local institution was generally transferred to Perth, and later to Carstairs.

A certain number of women certified insane after trial might be transferred eventually to local mental hospitals, but until 1958 such women were sent in the first place to the Criminal Lunatic Department at Perth where they were usually detained for a considerable time. They were few in number, and were housed in a small part of the Institution. In 1925,¹ the daily average female population in Perth was only four. During 1932, after complaints had been made that the special cells for refractory female prisoners were unfit for occupation, being² 'much affected with rot and damp,' alterations were made to the roof of the female department. The ventilation was also improved, and new lighting installed. The small female unit was run as an 'independent villa', and by 1936 conditions for the women prisoners confined there appear to have improved greatly. The Report of that year observed³ that the unit had developed 'a happy atmosphere of its own,' and noted that inmates, whose residence in other Institutions had been marked 'by turbulent periods,' had shown improved behaviour after being moved to Perth. A particular interest in the welfare of the few women confined in the Criminal Lunatic Department was taken by the ladies of the Handicrafts Committee, who

1. 1925, p. 13.

2. 1932, p. 56.

3. 1936, pp. 74, 75.

had begun work at Perth Prison in 1932.¹

The Prisons Department had intended that both men and women inmates of the Criminal Lunatic Department should be transferred to a new Institution at Carstairs, as soon as the building - started in 1936 - was completed. The intervention of the War, however, prevented any move until 1948,² when, at long last, the male mental defectives committed to the state were moved to Carstairs. In 1957,³ the General Board of Control for Scotland took over the direction of the Criminal Lunatic Department from the Scottish Home Department. The male side of the Department was transferred to Carstairs in that year, but the women inmates remained on at Perth, under the supervision of the prison staff.⁴ It was not until the end of 1958⁵ that the eight women detained at Perth were moved to Carstairs, where they became inmates of the State Mental Hospital. A separate house, under the control of a matron with qualified hospital staff, was allotted to them in the grounds of the Institution, where they received specialist treatment under excellent conditions.

Borstal Training

A picture of the training provided for Borstal girls at the beginning of this period (1921-1958) is given in the Report for 1925. Since only 23 girls were undergoing Borstal training during that year, the Commissioners considered that they 'would not be justified in

1. 1932, p. 15; 1938, p. 14.

2. 1939-48, p. 11.

3. 1957, p. 6; under s. 63 of Criminal Justice (Scotland) Act, 1949, (12, 13 and 14 Geo. 6 c. 94).

4. 1957, p. 6.

5. 1958, p. 5.

making special provision for them.¹ They were, therefore, accommodated in parts of the prisons at Dumfries and Greenock. At Jessiefield,² Dumfries, the girls walked daily outside the Institution, accompanied by an officer in plain clothes, and, when the weather permitted, had an hour's exercise and a class in Swedish drill each day in the open air. Their work during the day was mainly domestic, but in the recreation hour in the winter evenings, they played such games as dominoes, cards and table tennis. No outdoor work was provided at Jessiefield. At Greenock Borstal,³ however, some of the girls worked in the garden, and 'the feeding of pigs and care of poultry' also provided 'interesting work for the inmates.' The Governor observed that 'it creates a kindly spirit in all, and affords good training for those best suited for farm work.' The Report noted that the authorities at Greenock had difficulty in securing work requiring a 'kind of knitting which was interesting and instructive for the girls.' Employment in plain knitting was, however, easier to obtain, and the girls were also employed in sewing, and in general house and laundry work. Every fortnight a lady visitor supervised a handicrafts class, 'conducted on Brabazon lines.'

In Greenock - as at Jessiefield - the girls had classes in Swedish drill, and walked outside the Institution, under the supervision of an officer. On the whole it seems that behaviour was good, both at Greenock and at Jessiefield, on these walks. There were, however, attempts to escape, although such attempts rarely met with any success. The girls were taken for their walks singly, so

1. 1925, pp. 8, 9.

2. Ibid, p. 82.

3. Ibid, pp. 81, 82.

that there was no opportunity for them to conspire together. The Report for 1926 mentions two attempts to escape. At Jessiefield¹ the girl ran only 500 yards, before she was overtaken by the officer and brought back; at Greenock² the officer recaptured her charge immediately, and returned her 'quietly to the Institution.'

In 1926, there were so few Borstal girls in custody that the Commissioners decided to close Jessiefield Institution,³ and transfer the few girls confined there to Greenock. At the same time the female convicted prisoners were removed from Greenock to Duke Street. Having concentrated all the girls in one prison, the Commissioners introduced a 'new system of education' at Greenock,⁴ in 1927, and teachers from the Education Authority were engaged to instruct the girls in domestic economy. The Commissioners, at this time, also expressed concern regarding the clothes provided for the girls at Greenock.⁵ Efforts were made to remodel the clothing on less institutional lines. The Report for 1927 observed that on Sundays and in the evenings the girls now wore 'a dress in no way distinctively institutional, but similar to that which is worn by those at liberty.'

These new dresses, 'cut on admission to their own measurements and made up in different shapes, colours and finishes,' were the subject of frequent favourable comments 'at concerts and other dress occasions' in 1929.⁶ The authorities made constant efforts to reduce the institutional atmosphere in which the girls were confined

1. 1926, p. 85.

2. Ibid.

3. Ibid, p. 8.

4. 1927 - Parl. Papers, 1928, XII - p. 11.

5. Ibid.

6. 1929, p. 91.

in Greenock. In 1926,¹ the Commissioners supplied the Borstal with three monthly magazines, two illustrated weekly papers and one illustrated daily paper, as well as books for the library. They also encouraged outside contacts for the girls through the provision of concerts, classes, and instruction in games. The Governor of Greenock, in 1929,² praised the virtues of badminton. Not only had it the attraction of being a game in which rapid progress is made in the early stages, 'it is fascinating as a game of skill and invaluable as a form of concentrated exercise. It is, moreover, a potential link in the renewal or formation of a church connection after liberation, as most churches nowadays have a badminton club attached.'

In 1930,³ the Governor of Greenock gave his opinion that the dominant characteristic of the girls admitted to the Borstal was 'dislike of work, a psychological rather than a physical condition since inertia was not noticeable at drill, dancing and games. Few of the girls admitted had a knowledge of cooking or any form of housework.' Outside interests for the girls during this year included a handicrafts class,⁴ conducted by local ladies, classes in singing and dancing, and 'twelve useful and interesting lectures on elementary physiology and anatomy,' which were given by Miss Filley, the Matron of Greenock Royal Infirmary.⁵ Unfortunately, in 1931,⁶ economies in all such classes were ordered by the Prisons Department. The classes in domestic science, formerly conducted by the Education

1. 1926, p. 85.

2. 1929, p. 90.

3. 1930, p. 93.

4. Ibid, p. 9.

5. Ibid, p. 94.

6. 1931 - Parl. Papers, 1931-2, XII - p. 85.

Authority, were taken over by members of the Borstal staff, and the physical training class was conducted by a voluntary teacher, 'an officer of the Girl Guides and a capable teacher.' Although the girls apparently gave a 'ready response' to their changes in tuition, it was most undesirable that such changes had to be made at all.

By 1933¹ the average number of girls confined in Borstal establishments in Scotland had decreased to eleven, including those girls recalled for a further period of training. The Governor of Greenock reported in this year that the training of inmates for work on farms was² 'practically a thing of the past. Pig and poultry rearing is still carried on and garden plots are available, but it is now rare to find a Borstal girl with any desire for that class of work.' Outdoor work for the girls was, however, still encouraged, and in 1934³ a plot of ground near the Institution was fenced in to form a garden. The Governor reported that 'the ground was tastefully laid out in grass plots and flower borders and suitable paths made. A number of the girls took an active interest in horticulture, and all appeared to enjoy the work of tending the plots and borders.' Instruction in poultry keeping was also still being given to the girls in 1935,⁴ but by this time the taking of daily walks by all the inmates had ceased. In 1935,⁵ one girl each day was taken into the town by an officer, to assist in the shopping, and such outings continued to be part of the training throughout the rest of this period, i.e. to the end of 1958.

1. 1933 - Parl. Papers, 1933-4, XV - p. 9.

2. Ibid, p. 71.

3. 1934 - Parl. Papers, 1934-5, XI - p. 71.

4. 1935 - Parl. Papers, 1935-6, XIV - p. 71.

5. Ibid, p. 72.

Poultry keeping and garden work gave employment to a few of the girls at Greenock. The majority continued to work indoors in antiquated conditions. In 1935¹ all articles in the Greenock laundry were washed by hand. It was not surprising that the Governor considered that the electrically driven washing machine, which he had received and hoped to have 'fixed up and in use in the near future' would be a 'great boon' to the Borstal inmates. An electrically driven hydro-extractor had already been installed during the year, which relieved the girls of the heavy work of wringing the wet clothes, and also electrically heated irons. Until the installation of such machinery there could be no question of the indoor work, in the laundry or workrooms, providing 'training' for the Borstal girls. Nor could any proper instruction in cooking be provided. Since the girls were expected to 'cook' and do the kitchen work - without any special instruction - for the entire male prison at Greenock, as well as for their own department, there was no opportunity whatsoever for training in the real art of cooking.

In 1937,² the Drever-Collins performance tests of intelligence were introduced and applied to all girls admitted to Greenock. Since the majority of the girls entered domestic service when they were eventually released, the Borstal training up to and beyond the War continued to concentrate on all forms of domestic work. At the beginning of the War, in 1939,³ all Borstal girls who had served not less than six months of their sentences were discharged unconditionally. It is regrettable that no official record has been

1. Ibid, p. 71.

2. 1937 - Parl. Papers, 1937-8, XIV - pp. 10, 77.

3. 1939-48, p. 5.

published regarding conditions in Greenock Borstal, and the occupations of its inmates from 1939 to 1948. The Report which covers these ten years makes no mention at all of Borstal girls, except in the statistical tables. From these it appears¹ that the average daily number of girls undergoing training sank to five in 1940, but by 1941 had risen to fourteen, and over the next seven years varied between 23 and 29. At the end of 1948,² however, the numbers had decreased again, and there were only eleven girls confined in Greenock.

A description of the training given to Borstal girls at Greenock in the years immediately after the War may be found in the Report by the Scottish Advisory Council, on the Borstal System, published in 1947.³ 'After a short period of acclimatisation, new girls are posted to the work room, where they learn hand-knitting, darning, clothing repairs, shirt-making, machining sheets, towels, etc. The girls return to the work room for a further spell at a later period of their training and they make their own underwear, Sunday frocks and part of their liberation outfits. They also knit garments ordered by a local firm. Other forms of training include laundry work, cooking, waiting in the officers' mess and gardening. Individual flower beds are allocated to each girl, and a greenhouse is being provided for training in market-gardening.' A woman officer conducted the class in physical training, and teachers from the Education Authority took classes in educational subjects. Certain girls were taught elocution by a lady visitor, and others

1. Ibid, p. 34.

2. Ibid, p. 21.

3. The Scottish Borstal System; H.M.S.O. Edinburgh; 1947, p. 9.

who showed 'interest and promise,' were taught music-reading and singing. The choir was open to all, and the recreational facilities provided for the girls included 'badminton, dancing, wireless and concerts.'

The Report described the opportunities for promotion available to Borstal girls at Greenock.¹ 'The period of detention is dependent on the number of marks earned, and the average period before liberation on licence is about two years in the case of a three years' sentence and rather more than sixteen months in the case of a two years' sentence. After seven months a girl whose progress has been satisfactory has more frequent and longer visits from relatives and friends and shopping walks with an officer and a senior girl. After a further three months of good progress a girl is given a better furnished room. During the last three months a process of adjustment to the outside world has been introduced. Senior girls go out more frequently with officers of the Institution and are allowed to work without supervision in the Governor's house. They attend concerts and cinemas with officers of the Institution and may be sent messages, or for an interview, alone. Recently a certain number have been working in hospitals as ward maids. The results of this experiment have so far been most satisfactory.'

The Advisory Council recommended that all Borstal girls should be given opportunities to learn practical subjects.² Rewards such as increased freedom from supervision and opportunities for outings should be substituted for the existing rewards 'of white collars and

1. Ibid, p. 9.

2. Ibid, p. 18.

strings of beads for good behaviour.¹ Certain improvements should be made in the clothing worn by Borstal girls. A better type of shoes and stockings should be provided; and the Council stressed the importance of the girls changing in the evening into 'frocks of their own choosing, which should not all be of similar material, colour or design.' The main recommendations of the Council were, however, concerned with Greenock Borstal itself. In spite of 'the very valuable services rendered by the present Governor of Greenock Prison,'² the Council strongly recommended that a separate girls' Borstal should be built, unconnected with any prison, and under the direction of a woman Governor. They added that a³ 'special hostel or annexe should be provided immediately from which the girls should go out daily to work or training.' These admirable recommendations had still not been implemented by the end of 1958.

In the years after the War the population of Greenock Borstal continued to be small. In 1949⁴ there were twelve girls confined there, and this figure varied little until numbers began to rise in 1952. New dressmaking machines had been installed in the Borstal in 1950,⁵ on which girls might be trained for outside factory work after their release. Such machines were a considerable advance on the old treadle machines formerly in use. In 1950⁶ a more liberal policy was also introduced regarding the granting of paroles. Parole privileges were further extended in 1951,⁷ when girls nearing

1. Ibid.

2. Ibid, p. 14.

3. Ibid, p. 18.

4. 1949, p. 15.

5. 1950, p. 19.

6. Ibid.

7. 1951, p. 15.

the end of their training might qualify for a week-end visit to their homes. Opportunities for outside contacts also continued to be encouraged. In 1950¹ a number of selected girls worked daily in the local Greenock hospitals during their last few weeks of training, and in 1951² the Governor reported that the choir, to which all the girls belonged, had received an increasing number of invitations to give concerts outside the institution.

By 1952³ the number of Borstal girls in Greenock had increased to 25. They continued to be employed mainly in household duties and dressmaking, and the pattern of their training did not change greatly until 1955. In that year,⁴ a separate cookhouse was provided for the Borstal, so that individual tuition in cooking might be given to the girls. Work in the laundry was also reorganised to give greater opportunities for individual instruction, and in 1956⁵ the workroom was provided with additional equipment, so that 'the senior girls could use machines of the most modern type operated in factories.'

During the four years, 1955 to 1958,⁶ 52 girls visited their homes for a long week-end on parole during the last months of their training. All returned punctually to Greenock. Efforts were made to increase and vary the outings arranged for the girls during their training. In 1955,⁷ a number of half-day outings by bus or steamer were organised for the senior girls. They were taken on these outings in parties of about six girls, dressed in plain clothes, and

1. 1950, p. 19.

2. 1951, p. 15.

3. 1952, p. 16.

4. 1955, p. 16.

5. 1956, p. 17.

6. 1955, p. 17; 1956, p. 17; 1957, p. 20; 1958, p. 25.

7. 1955, p. 17.

accompanied by an officer. A most successful experiment was tried in 1957,¹ of sending two girls to a youth club camp, under the supervision of an officer. Contacts were also made with the local branch of the Boys Brigade, who attended social functions in the Borstal. The increase in such outside activities was largely due to the initiative and enterprise of Miss Hobkirk, who took a particular interest in the Borstal girls. All concerned with their welfare had, however, by 1958, come to realise that if the girls were to be returned successfully to society, they must be given opportunities, while in training, to satisfy their need for outside contacts and experiences.

Educational classes for the girls were run by the Local Authority, but in 1957² variations were made in the programme, by curtailing the time devoted to arithmetic and English. During this year three men teachers on the staff of the Renfrewshire Education Authority started classes in art and bookbinding, and also a discussion group. These classes took place in the evenings, and additional classes in art, needlework and Fair Isle knitting were introduced - all of which proved very successful. The girls also received instruction in first-aid and Civil Defence. In 1958,³ they were awarded 35 certificates for Civil Defence first-aid, and 61 certificates and 10 medals for Red Cross first-aid, home nursing and infant welfare.

From 1952, when the number of girls sentenced to Borstal training began to rise, the population of Greenock Borstal varied

1. 1957, p. 20.

2. Ibid, p. 19.

3. 1958. n. 24.

between twenty and thirty. In 1957, however, numbers again increased, and by the end of 1958¹ thirty-seven girls were confined in the Borstal. To meet problems of overcrowding a small wing, containing ten bedrooms, was built at Greenock, and came into use during 1958.²

Up to 1931, Borstal girls whose licences had been revoked were housed in part of Duke Street Prison, but in that year, the authorities decided that such girls should be moved to more 'favourable' surroundings.³ A part of the female department at Edinburgh Prison was, therefore, set aside for them, and throughout this period a small number of girls continued to be confined there each year. The Scottish Advisory Council,⁴ however, in 1947, considered that girls whose licences had been revoked should not be confined in a prison at all, and recommended that they should be housed in a special section of the Institution at Greenock, or - the Council added optimistically - 'of the new Borstal when it is opened.' At the end of 1958, however, there was still no prospect of this much-needed development being achieved.

Prison Officers

Until 1939 the staff of prisons in Scotland continued to be known, officially and unofficially, as 'Warders'. The changes brought about by the War, however, and increasing realisation of the importance of the work performed by these men and women, led to the

1. Ibid, p. 33.

2. Ibid, p. 5.

3. 1931, p. 8.

4. The Scottish Borstal System, p. 19.

introduction of the title 'Prison Officers'. The new approach to work in prisons implied by this designation was well expressed in the 1949 Report of the Scottish Advisory Council. In their opinion,¹ 'whatever may be the prison system the keystone will be the staff.... A first class staff can do a satisfactory job under adverse conditions but an indifferent staff will fail under the best conditions.' The recruitment of firm, intelligent and enlightened women to undertake prison work is, in fact, even more important than the recruitment of male prison staff. In spite of the smaller numbers under their care, they wield far greater powers both to help or to harm.

Training classes for prison officers were introduced after the War, in 1946.² From 1955 to 1957³ thirty-two women officers attended these courses, and all achieved the necessary standard. Their pay was increased several times between 1945 and 1958, and in 1956⁴ the Prisons Division announced that the policy of equal pay for women officers - which had been agreed with the Whitley Council - was being introduced gradually. Grades for women were the same as those established for men - i.e. Officer, Principal Officer and Chief Officer - but, whereas the men's grade of Chief Officer was divided into Class I and Class II, this grade, in the case of women, was undivided.

At the end of 1948⁵ there were fifty-seven women officers employed in the Scottish prisons. The staff at Duke Street consisted of a Governor, female medical officer and twenty-four women

1. The Scottish Prison System, p. 27.

2. 1939-48, p. 6.

3. 1955, p. 4; 1956, p. 4; 1957, p. 5; 1958, p. 3.

4. 1956, p. 4.

5. 1939-48, p. 37.

officers, twelve women officers were on the staff of the Borstal at Greenock, and fourteen others served in the prisons at Edinburgh, Perth and Kirkwall. After Duke Street closed in 1955,¹ thirty-one women officers were serving at Greenock, in the Prison and Borstal. By the end of 1958,² four more officers had been added to the establishment. With more women being admitted to prison each year, and a considerable increase in the number of girls sentenced to Borstal training, it had become essential to increase the staff in both institutions.

Probation

During the years from 1921 until the passing of the Probation of Offenders (Scotland) Act³ in 1931 no satisfactory supervision of men and women put on probation could be organised in Scotland. The Scottish Central Association took over certain probation cases - mainly young offenders - in the Lothians and Glasgow,⁴ but throughout the rest of the country such supervision as was provided was both unorganised and ineffective. The yearly Report on Prisons stressed continually the need for a comprehensive system of probation in Scotland, similar to that operating in England.⁵

Eventually, in 1931, Parliament passed the Probation of Offenders (Scotland) Act, setting up machinery to organise an adequate system of probation throughout Scotland. The country was to be divided into probation areas, each with its probation committee;

1. 1955, p. 44.

2. 1958, p. 53.

3. 21 and 22 Geo. 5 c. 30.

4. 1926, p. 10.

5.

and procedure was prescribed for the appointment and payment of probation officers, who were to be responsible to these committees. This Act was repealed in 1949 by the Criminal Justice (Scotland) Act which regulated the general policy and administration of probation until the end of this period.

Two distinctions between the Scottish and English systems of probation still remained, however, even after these Acts had been passed. Whereas in England probation committees were drawn from the justices of the particular areas concerned, in Scotland - apart from certain ex officio members - the committees were appointed by local authorities. Their membership was not restricted to the representatives of the local authority, although in practice few outside members were co-opted. There was also no immediate establishment of a salaried probation service in Scotland, as had occurred in England after the passing of similar Acts of Parliament. This lack of a comprehensive adequately-paid service was a serious disadvantage to the spread of probation in Scotland. In 1931 probation in Edinburgh was still conducted on a 'voluntary' basis, although many 'probation officers' were, in fact, salaried officers serving outside organisations.¹ By 1950 it was estimated² that Scotland had still only sixty full-time salaried officers, compared with 800 salaried probation officers employed in England. As was observed at the time, such a shortage of officers permitted of³ 'regular attendance at court only in comparatively few burghs and counties;' and as late as 1945 a court in South-West Scotland found that there was no such person

1. 1950 S.L.T. (News) 49.

2. Ibid.

3. Ibid.

as a 'probation officer' available within its jurisdiction.

After 1950, however, better machinery was available to provide an efficient probation service in Scotland. Unfortunately, although probation was officially recognised as¹ 'an indispensable method of dealing with offenders of all ages,' the courts in Scotland were slow to share this confidence. They failed to make any extensive use of the increased powers regarding probation orders, and of the more efficient probation service provided to carry out these orders. Between 1950 and 1954 there was no particular increase in the number of probation orders made by the Scottish courts. Indeed, the number of women and girls over fourteen who were placed on probation decreased from 385 in 1950 to 328 in 1954,² although by 1958 it had risen again to 395.³ The Sheriff Courts made more use of probation than did the J.P. Courts and the Burgh Police Courts;⁴ but in general sentencing policy did not reflect the increasing confidence in probation shown by the Scottish Home Department. The Home Department complained, in 1955,⁵ that the success of probation 'in reforming adult offenders, including those who have committed serious offences, has not been understood by some courts. Nor has it been fully understood that to enable a probation officer to obtain the best results probation orders should be made for a longer period than one year where difficulties in supervision are likely to occur.' It was

1. The Probation Service in Scotland; H.M.S.O. Edinburgh; 1955, p. 11.

2. Ibid.

3. Criminal Statistics (Scotland) 1958, pp. 46, 47. The rise was mainly due to an increase in probation orders for girls aged 14-16 - *ibid.*, p. 6.

4. The Probation Service in Scotland, p. 12.

5. *Ibid.*, p. 11.

particularly unfortunate that probation was not used more in the case of women, since statistics for 1954¹ showed that nearly 90% of all women and girls put on probation completed their probationary period without appearing again in court.

The amalgamation of many probation areas during the years after the War substantially improved the efficiency of the service. Both the Probation of Offenders (Scotland) Act, 1931, and the Criminal Justice (Scotland) Act, 1949, had laid down that² 'where the circumstances permit' the court should nominate 'a probation officer who is a woman to supervise a female offender.' This was not always easy to achieve when probation areas were small. A larger area was able to employ a team of men and women probation officers, and so provide a woman officer to deal with any female offenders put on probation. Unlike the position in England, however, the courts in Scotland were not legally bound to ensure that women offenders would be placed in the charge of probation officers of their own sex.³

By 1958 conditions of service for probation officers in Scotland showed some signs of improvement. The Scottish Central Probation Council, established in 1932, assisted and advised the Secretary of State, and from 1945 onwards maintained a Central Register of suitable persons who might be considered by probation committees when making new appointments. The Council also consulted with probation committees regarding particular problems, and in general stimulated an interest in probation throughout the country. By the end of this

1. Ibid, p. 14.

2. Probation of Offenders (Scotland) Act, 1931, s. 4 (2); Criminal Justice (Scotland) Act, 1949, Sch. 3, s. 5 (1).

3. Para. 4 (2) of the 5th Schedule to Criminal Justice Act, 1948.

period there was, at last, some evidence of improvement in the organisation and administration of probation in Scotland, although the courts still showed regrettably little confidence in its powers for rehabilitation.

After-Care

Until 1930 - apart from the assistance given to prisoners, immediately after their release, by local Discharged Prisoners' Aid Societies - the Scottish Central Association undertook all the work of after-care in Scotland. The Association helped and supervised preventive detention prisoners and convicts released on licence. The numbers of such women prisoners were, however, always small, and the main part of the Association's work for women offenders was the supervision of girls, on licence after completing their Borstal training. In 1928,¹ the Governor of Greenock Borstal observed that the Supervisor of female licence-holders, Miss Dorothea Maitland, took a 'great personal interest in their moral welfare.' The Association provided 'an outfit of clothing suitable to the employment to which a girl is going,' and made every effort 'to find a mistress who will interest herself in the girl and guide and help her through the critical stage of her experience.' If she were going to work in a factory or a warehouse, 'lodgings are secured with good working people who will share their home life and give the girl a chance to make good.' The Governor stressed his opinion that there could be no doubt 'that by the expenditure of a little money, and a great deal of goodwill, the great majority of wayward young women can be

1. 1928, p. 88.

reclaimed to a useful and honourable life.'

In 1929 Miss Maitland retired, and until such time as another supervisor could be appointed it was arranged that the Matron of Greenock Borstal, in conjunction with the Matron of the Alexandra Hostel in Edinburgh, should supervise the work of finding suitable situations for the girls to go on their release.¹ Two years later the Central Association ceased to exist.² Its work was taken over by the Scottish Central After-Care Council, a committee of the Scottish Juvenile Welfare and After-Care Office; and Miss Helen R. Harrison succeeded Miss Maitland as Supervisor. The value of Miss Harrison's benevolent influence on women's after-care in Scotland cannot be over-estimated. Her humanity, humour and enlightenment, and the endless trouble she took with all her charges, especially the girls released after Borstal training, secured for her a position of admiration and trust among all those who suffered, administered and observed the rehabilitation of women prisoners.

Discharged Prisoners' Aid Societies continued to give a certain amount of voluntary aid to those prisoners who required and requested help during the years after 1930, and the Scottish Central After-Care Council, working through officers provided by the Secretary of State, acted as the official body providing financial aid for certain categories of discharged prisoners - convicts, preventive detention prisoners and Borstal girls and boys. The Scottish Advisory Council, when they reported on prisons in 1949, were not, however, favourably impressed by the organisation of after-care in Scotland. The

1. 1929, p. 93.

2. 1930, p. 9.

Advisory Council disapproved strongly of a system by which certain civil servants were assigned to after-care work.¹ After-care, in their opinion, should be undertaken only² 'by specially selected persons who should be trained how to assist and befriend persons who have failed to observe the laws of the community.... The after-care to be given to a woman sent to prison for child neglect must be of an entirely different order from that provided for a woman sentenced to prison for an offence against property. Not only will the type of prisoner, as shown by the offence, need special consideration but also the age group to which he or she belongs.' The Advisory Council recommended that³ 'one central body ought to be responsible for all statutory after-care and voluntary aid and thus be in a position to co-ordinate and direct the work of assisting and befriending all discharged prisoners whether released conditionally or unconditionally.' For this purpose they recommended the reconstitution of the Scottish Central After-Care Council, which 'should review the whole national requirements,' and 'should direct the work of all after-care.'

The Government did not give effect to these suggestions for the disbandment of Discharged Prisoners' Aid Societies and the formation of one central body for after-care in Scotland. In 1949, however, the Criminal Justice (Scotland) Act authorised the establishment of a new 'After-Care Council' in Scotland, under the Scottish Home Department, consisting of 'persons interested in the moral and social welfare of offenders.'⁴ This Council came into being in June, 1950.

1. The Scottish Prison System, p. 33.

2. Ibid.

3. Ibid.

4. Criminal Justice (Scotland) Act, 1949, s. 58. This section was repealed by the Prisons (Scotland) Act, 1952 (15 and 16 Geo. 6 and 1 Eliz. 2 c. 61) and reaffirmed in that Act, s. 18.

Its purpose was to assist and supervise prisoners released after sentences of Borstal training, corrective training or preventive detention, to supervise young prisoners, and prisoners released after serving sentences of life imprisonment, and to act as the responsible society for those prisoners who were obliged to notify their addresses for a period of twelve months after their release. The Council also had general duties regarding the welfare of discharged prisoners, which duties might be increased at any time, if the Secretary of State thought fit.

During 1950¹ only one woman who had served a long sentence of imprisonment and nine women prisoners under 25 years of age were dealt with by the Council. The work of supervising girls who had undergone Borstal training also decreased in that year, since the time to be spent on licence after training had been reduced to² 'a year or the period expiring three years after the imposition of the sentence, whichever was the shorter.' By 1955,³ the number of Borstal girls under supervision during the year had risen to 37. The Council observed that a few of them 'remained very unstable and irresponsible after release,' a criticism which was echoed in 1957,⁴ when it was reported that a few of the girls were 'persistent in refusal to remain in suitable employment.' By 1958,⁵ however, the problem of finding work for these girls on their release had become somewhat less acute, and the girls - though frequently unreliable - were less difficult to place.

1. 1950, p. 20.

2. Ibid.

3. 1955, p. 17.

4. 1957, p. 20.

5. 1958, p. 25.

Between 1955 and 1958 no women were released after serving sentences of preventive detention. As has been mentioned, no such sentence had been passed on a woman after the Criminal Justice (Scotland) Act, 1949, came into force. During these years only two women who had served sentences of corrective training came under the care of the Council. Of these, one¹ was released in 1956, recalled for further training in 1957, released again on licence, and eventually sentenced to imprisonment. The other² was trained in prison as a sewing machinist, and released in 1953. The Council gave assistance to the few women prisoners released after serving sentences of three years' imprisonment or over. As with all such long-term prisoners, it was noted that most of them were glad of help.³ In the case of women, some returned to their homes and some, through age or bad health, were not employable, but for those who required work it was not difficult to find. Whereas the long-term prisoners seemed to appreciate offers of help on their discharge, the attitude of young prisoners in Scotland during this period was very different. In 1957,⁴ of the 431 prisoners under 25 years of age, to whom help was offered by after-care officers, only 'few accepted offers of assistance on release.' A similar situation was noted in the Reports of 1955 and 1958.⁵

Under the provisions of s. 23 of the Prisons (Scotland) Act⁶ in 1952 certain recidivist prisoners might be required to notify their

1. 1956, p. 18; 1957, p. 21; 1958, p. 26.

2. 1953, p. 15.

3. 1958, p. 26.

4. 1957, p. 21.

5. 1955, p. 18; 1958, p. 26.

6. 15 and 16 Geo. 6 and 1 Eliz. 2 c. 61.

addresses to the Council for a period of twelve months after their release from prison. During the years from 1955 to 1958¹ only 17 women were in fact required to go through this process of notification. Of these four were reported to the Council for failure to notify their addresses, and four incurred further sentences of imprisonment while they were subject to the requirement. This section proved to be of little value. It provided a considerable amount of extra work for after-care officers, and entailed labour and effort on the part of officials, quite out of proportion to any good results achieved.

In 1955, the Discharged Prisoners' Aid Societies ceased to provide the immediate aid given to men and women on their release from prison.² In that year the supply of travel warrants, and of subsistence allowances for prisoners during their journeys home, was put in the hands of prison Governors. The National Assistance Boards in the areas in which the prisoners lived continued to supply whatever financial aid was needed, until they obtained employment. The Societies continued their work for men and women prisoners after their release, and the Scottish Association of Discharged Prisoners' Aid Societies, which had been formed in 1954,³ held periodical meetings. Such an Association it was hoped would bring some co-ordination into the somewhat haphazard assistance provided formerly by the Societies, assistance which varied considerably, in character and extent, from area to area in Scotland. In 1957,⁴ more assistance was provided by the Society in Perth than by those in either Dundee

1. 1955, p. 18; 1956, p. 18; 1957, p. 21; 1958, p. 27.

2. 1955, p. 19.

3. Ibid.

4. 1957, p. 22.

or Edinburgh. Although over 9,000 prisoners were admitted to prison with sentences of twelve months or less during the year, only 1,378 were assisted by the Societies throughout Scotland. The particular extent of assistance provided by the Society in Glasgow - the largest centre of population, and containing the largest prison in Scotland - was surprisingly small.

The work of the Discharged Prisoners' Aid Societies on behalf of women prisoners in Scotland was, however, considerably more active than their labours on behalf of men. The help given by Mrs. Harvey, of the Glasgow Discharged Prisoners' Aid Society, in Duke Street and later in Greenock, was of great value to the prison authorities. All women who left Duke Street in need of assistance were met at the gate by Mrs. Harvey, and supplied with money or clothing; and after the prison moved to Greenock she continued to visit each week, to find out what assistance was required by any woman returning to the Glasgow area. No picture of the Societies' work would be complete without a reference to the outstanding work done by Miss Hardy of the Perth Discharged Prisoners' Aid Society. Miss Hardy's warmth and sympathetic personality, her energy and strength of mind, gained the affection both of the prisoners and of the prison staff.

By 1958, nevertheless, to many with experience it seemed doubtful whether the Discharged Prisoners' Aid Societies would supply an adequate link between the prisons and the many welfare agencies - voluntary and official - which could assist men and women, while in prison and after their release. For women prisoners especially the need was pressing for an efficient centralised after-care authority which would put them in touch with such agencies, so that

best use might be made of the assistance offered, to resolve the acute family and financial difficulties faced by so many of these women on their discharge from prison.

EPILOGUE

In all human societies - from primitive to modern - the law-makers for the human race as a whole have been men. Although at times women have outnumbered them, and it would be unrealistic to assume that men made laws in complete ignorance and disregard of the feminine viewpoint, men have largely prescribed the social code for their women folk, and male standards have determined how and for what offences they should receive punishment.

In primitive communities the minor offences committed by women were usually dealt with privately, within the family. From early times the 'double standard' appeared in the forms of behaviour considered acceptable in men, but unacceptable in women. Adultery and sexual promiscuity, when indulged in by men, were seldom punished except when they were considered to have damaged the woman as the property of her husband or father. The same offences, when committed by women, were, however, considered to corrupt family stability and to endanger the welfare of the community.

When serious crimes were concerned, primitive communities made few distinctions between the sexes. They feared the anger of their gods, and, dependent on 'divine' protection and 'divine' goodwill, were concerned above all with their own survival. Women committed many of the offences - such as witchcraft and incest - condemned most strongly by primitive law as a particular threat to the stability, health and well-being of the community. If found guilty of such offences, they were destroyed and cast out so as to appease the gods. They received no special consideration on grounds of

'modesty' or 'frailty'. Only when women owed special duties towards the gods, and had failed in these duties, were particular punishments reserved for them.

As communities became more organised and more integrated, the motive behind the punishment of offenders changed from appeasement of 'the gods' to revenge. Punishment was still considered to be divinely ordained, but women were also held personally responsible for their wrongful acts, and were, therefore, liable to suffer the vengeance of the family or tribe they had injured. Private punishment of wrongs led, however, to protracted blood-feuds, which threatened the safety of the community, and eventually, through fear for this safety, rather than any desire for more dispassionate justice, public and social revenge by the community was substituted for private retribution.

Whereas under primitive law the main method of punishment had been to remove the offender from the community, the principle of financial penalties now came to be accepted in many cases. If laws had been broken and individuals wronged, the offender might make compensation in money and property. The scales of compensation were drawn up by men, and women having, in general, no money or property of their own, played an unimportant part in this system. If they had offended, their husband or father was liable to pay whatever sum was due.

If, however, payment could not be made, or if the offence was too serious to be dealt with in this manner, men and women offenders alike were subject to the social revenge of the state. The community exacted its vengeance by visible and immediate punishments,

which did not differ greatly from those provided by primitive law - forms of physical injury, such as branding and mutilation, or expulsion from the community, by exile or death. Nomadic societies, employing slave labour, had no interest in penalties which preserved offenders by detaining them in a fixed place for any length of time.

The more stable communities of the Middle Ages showed no more enthusiasm for imprisonment as a punishment than had their barbaric ancestors. They continued to use violent and immediate penalties against men and women who had offended against their laws. Considerable use was made of capital punishment, and criminal law was controlled almost entirely by local feudal courts and by burgh courts in the growing towns and cities. Certain methods of execution came to be accepted as more 'decent' and appropriate for women; but the alternative punishments provided for them were seldom more humane than those provided for men. In general, women were not broken on the wheel or boiled alive; but they were frequently drowned, buried alive or burnt. On grounds of 'modesty' or 'decency' their bodies might not be quartered, hanged in chains or exposed to public view. Men, however, appeared to be more squeamish regarding the treatment of women after death than before and during the actual execution.

During the Middle Ages it also became the practice to prescribe certain particular methods of proof for women, when their guilt or innocence was in doubt. Women were obviously unsuited to undergo trial by battle, and - except when represented by champions - were seldom tested in this manner. More often they were examined by compurgation, or by forms of ordeal considered - by men - to be appropriate to their sex. The forms used most frequently for women

suspected of crime were 'swimming' or 'fleeing', and the ordeal of walking barefoot over red-hot ploughshares.

Penalties involving physical pain - such as mutilation and branding - had always contained an element of deterrence as well as punishment. A woman whose hand had been cut off would be visibly impeded from stealing again, as would a woman with a brand on her cheek, marking her as a thief. The humiliation involved in such penalties became an increasingly important aspect in the punishment of women during the late Middle Ages, and the use of shameful and degrading penalties extended into the 16th and 17th centuries. It was hoped that a woman disgraced in the eyes of the town or village in which she lived, by being exposed in a pillory or ducked in a river, would not only be punished for her offence but be deterred from repeating it. Those who witnessed her shame would also be discouraged from committing similar offences.

The pillory, stocks and ducking-stool increased in favour as punishments in sixteenth century Europe, and the spread of Puritan thought made such shameful exposure seem a particularly suitable form of penalty for sexual offences - which came to be regarded with extreme disapproval - as well as for other minor offences, such as vagrancy and disorderly behaviour. The actual enforcement of these punishments involving the humiliation of women was carried out by men. Men whipped vagrant women who begged, or women who were distracted in mind, and men controlled the machinery for ducking scolds, and trundling them through the streets. Other women, however, seem to have had little pity for the sufferings of those of their sex who were whipped, mutilated, pilloried or burnt. They

made no efforts to mitigate the punishments or to better conditions of detention before execution. The women who pelted a prostitute confined in the pillory were following in the footsteps of those in the ancient German tribes, who drove an adulteress from the village, and hunted her with knives. Married women, in particular, favoured the punishment of such offences as adultery, prostitution and malicious gossip, which might threaten their domestic stability.

In sixteenth and seventeenth century Europe women continued to be burnt, beheaded or drowned, rather than hanged or broken on the wheel. The forms of torture used at this time to elicit evidence from witches or from women suspected of other capital offences were, however, as cruel as those employed for men; and when women were confined in prisons to await their trial or execution, they suffered the same discomforts, starvation and fetters, and were generally confined in the same quarters as men. It was not considered necessary to make special arrangements for the few women prisoners in Britain, who might find themselves detained in prison for years, awaiting the next gaol delivery. Society had little interest in its suspected offenders, and was unconcerned if they should fall ill and die before trial.

The first signs in Europe of a community preferring to re-establish offenders in society as good citizens, rather than casting them out for ever, was the establishment, at the end of the 16th century, of houses of correction in Amsterdam. The re-awakening of interest in classical thought, and consciousness of the value of each citizen's labour in an ever-expanding mercantile empire, combined to influence this movement for reform by disciplined work and 'training'.

The establishment of a 'Spinhuis' for women in Amsterdam, as well as a 'Raspghuis' for men, was an acknowledgement that conditions for the training and rehabilitation of women should be different from those provided for men. The early Bridewells in Britain had also shown concern for providing special employment for women, but the relatively small numbers of women detained in such institutions, and the minor importance of women in the social structure of the country, caused their needs to be neglected as soon as the Bridewells began to deteriorate and degenerate into the equivalent of the common gaols.

By the middle of the 18th century the common gaol had become an accepted part of the penal system in Britain, and imprisonment was increasingly used as a punishment for minor offences, rather than for detention before trial or execution. Little interest was, however, taken by men or women in the conditions of disease and filth under which prisoners were confined, and pity for their sufferings was restricted by knowledge of the insanitary living conditions which prevailed among the poor throughout the country at this time. Capital punishment remained the accepted 'cure' for the waves of lawlessness which swept the country, and when exposure in chains after death ceased to follow execution by hanging, this penalty replaced burning as the most 'decent' and appropriate method of executing women offenders. In theory the citizens of Britain might suffer death for quite minor offences, but in practice public opinion rebelled against the excessive use of capital punishment as a means of ridding the community of those who broke its laws. The alternative offered eventually was, however, not imprisonment - to preserve and rehabilitate a labour force within the mother country - but

another method of removal from the community, by transporting men and women criminals to the new colonies beyond the seas.

For over fifty years women offenders were transported from Britain to America, to Australia, and finally to Tasmania. The apparent advantages of transportation, as an economical method of disposing of criminals, who would be enabled to live a 'normal' life in a new country, were even less real, in practice, for women convicts than they were for men. Transportation as a method of punishment for women offenders came to an end, in fact, very much earlier than transportation for men. Among the main factors which influenced the abandonment of transportation for women was the free colonists' disapproval of the introduction of convict women into their settlements.

The deplorable conditions under which women were confined on the convict ships, and in the gaols during the time they were awaiting embarkation, attracted the attention of the first group of women to take an active interest in the special problems and needs of women prisoners. The pioneer work of Elizabeth Fry and her associates came at a time when interest in penal problems was increasing among politicians, writers and philanthropists throughout Britain. Without the support of men who sympathised with their work, women's efforts to improve prison conditions could not have succeeded. The majority of women in Britain showed no more interest or concern with the fate of others of their sex in prison than they had done in the past; but from this time small groups of enlightened women have worked to improve conditions within prisons, and to help women prisoners to re-establish themselves after their release. Until 1958 the two

extremes, of harshness and humanity, of rejection and sympathy, could be seen side by side in the attitude of women in Britain to prisoners of their own sex. There was seldom a middle course.

The end of transportation forced a readjustment in the attitude of society towards its offenders. Women convicts could no longer be removed permanently or semi-permanently from the community, but had to be returned to society after they had served their term in prison. The system of detention and 'penal servitude' administered in Britain until 1894 was, however, still founded on principles of retribution and deterrence. 'Hard labour, hard fare and a hard bed' would punish the offender, and deter others from risking similar treatment. No special consideration was given to women, and only in the dress of the prisoners and the sex of their guards did women's prisons differ from those of men.

By 1894 retribution and deterrence alone had clearly failed to provide a solution in Britain. Public opinion encouraged the Government to appoint a Committee to enquire into conditions in the prisons, and the Report of this Committee, under Mr. Gladstone, reflects the more enlightened views prevalent, by this time, in America and in most countries of Europe. The Committee considered that prisoners should be considered as individuals, and that the aims of any penal system should be to change and rehabilitate these individuals, so that they might be returned to society cured of the anti-social tendencies which led to their original offences. As the personalities and needs of women differed from those of men, so should their treatment in prison differ from that provided for men.

Although these principles were admitted in theory, in practice

until after the first World War progress towards the provision of adequate housing and training in women's prisons and Borstals in Britain was all too slow. The relatively small numbers of women offenders in any country give opportunities for experiment and individual treatment which are not possible in men's prisons; and in Britain after the second World War a succession of enlightened Prison Commissions established progressive institutions such as Askham Grange and East Sutton Park, for the open training of women and girls, and introduced schemes for the rehabilitation of certain categories of prisoners, such as the course for neglectful mothers at Birmingham. These relatively small numbers have, however, disadvantages as well as advantages. In times of financial stringency the needs of women prisoners seem less urgent and obtrusive than those of men, and their problems, being less publicised, tend to be forgotten.

Changes in the structure of British society after two Wars were reflected in the training provided for women in prison during the years from 1945 to 1958. Domestic service, which for so long had been the main employment for unmarried women, was becoming obsolete. A wide range of skilled and unskilled employment had become open to women outside the home, but within the home few or none wished to share the housewife's task. Not only had it become less important to train the woman prisoner as a domestic servant, so that she might find work after her release, it had become of vital importance to return her to her home a competent and efficient housewife. Another change in social pattern, whose influence could not be fully estimated at the end of this period, was the feminist movement to

persuade men that women should be treated as their equals. If this were carried to its logical conclusion, it would imply that no special consideration or treatment should be given to women offenders in prison or after their release.

The often-quoted words of Mr. Winston Churchill, in 1910, express the aims towards which penal reformers under all social conditions should strive. As Home Secretary, he observed: 'The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. A calm, dispassionate recognition of the rights of the accused, and even of the convicted criminal against the State - a constant heart-searching by all charged with the duty of punishment - a desire and eagerness to rehabilitate in the world of industry those who have paid their due in the hard coinage of punishment: tireless efforts towards the discovery of curative and regenerative processes: unfailing faith that there is a treasure, if you can only find it, in the heart of every man. These are the symbols, which, in the treatment of crime and criminal, mark and measure the stored-up strength of a nation, and are sign and proof of the living virtue in it.'

These views express the aspiration rather than the realisation of our penal system in Britain today. By 1958, although it was acknowledged that punishment should be contrived to fit the criminal rather than the crime, sufficient attention was not yet paid to the special problems of the criminal when she was a woman. Women take to prison the characteristics of their sex - forms of apathy, vanity and sexuality entirely different from those shown in men. As

prisoners, women may frequently be hysterical; they are seldom dangerous, unless mentally unbalanced. Under closed conditions for any length of time they deteriorate rapidly mentally, and in general their wills are too weak, rather than too strong. Maximum security prisons may always be needed for the hard core of recalcitrant women prisoners, but it is to be hoped that the future of women's prisons in Britain will provide conditions to strengthen wills, rather than to break them, to awaken interests and enthusiasms, rather than encourage apathy and day-dreaming.

Women in prison must be treated as women. Today, however, as in primitive times, they are released to a man's world. The basic legends of our race - whether in Genesis or in the myth of Pandora - attribute the sufferings of mankind to women's curiosity and wilfulness. Even if men have rightly diagnosed the cause, they have yet to discover the cure; and are unlikely to do so without the guidance of women's understanding of the special problems of their sex.

BIBLIOGRAPHY

Books

- Aethelbirht, Laws of - Ancient Laws and Institutes of England; Public Records; 1840.
- Aethelstan, Laws of - Ancient Laws and Institutes of England; Public Records; 1840.
- Alfred, Laws of - Ancient Laws and Institutes of England; Public Records; 1840.
- A. Alison - Practice of the Criminal Law of Scotland; Edinburgh; 1833.
- W. Andrews - Old-Time Punishments; Hull; 1890.
- A. Angelo - Reminiscences; London; 1828.
- H. Arnot - Criminal Trials; Edinburgh; 1785.
- F. Banks - Teach them to Live; London; 1958.
- C.L. Von Bar - History of Continental Criminal Law; London; 1916.
- H.E. Barnes - The Story of Punishment; Boston; 1930.
- C. Beccaria - Dei Delitti e delle Pene; 4th ed., transl. Anon; London; 1775.
- W. Blackstone - Commentaries; 18th ed. London; 1829 (1st ed. 1765-8).
- J. Boswell - Life of Samuel Johnson; 8th ed. London; 1816.
- Bracton's Note Book - ed. F.W. Maitland; London; 1887.
- W. Branch-Johnson - The English Prison Hulks; London; 1957.
- Brand's Popular Antiquities - ed. H. Ellis; London; 1841.
- W. Brereton - Travels in Holland, the United Provinces, etc. (1634-5), ed. E. Hawkins; Chetham Soc.; 1844.
- J. Brissaud - History of French Private Law; London; 1912.
- A. Fenner Brockway and S. Hobhouse - ed. English Prisons Today; London; 1922.
- G. Burnet - History of his Own Time; London; 1724.

- J. Hill Burton - History of Scotland; Edinburgh; 1876.
- T. F. Buxton - An Enquiry whether Crime and Misery are produced or prevented by our present System of Prison Discipline; London; 1818.
- Cambridge Dept. of Criminal Science - Report on The Results of Probation; London; 1958.
- E. Du Cane - The Punishment and Prevention of Crime; London; 1885.
- M. Carpenter - Our Convicts; London; 1864.
- Celebrated Trials; London; 1825.
- W. Clay - The Prison Chaplain; Cambridge; 1861.
- Clavigero - History of Mexico; trans. C. Cullen; London; 1787.
- Cnut, Laws of - Ancient Laws and Institutes of England; Public Records; 1840.
- Codex - see Corpus Juris Civilis.
- E. Coke - Institutes of the Law of England; in 4 parts, London; 1628-1644.
- S. A. Cook - The Laws of Moses and the Code of Hammurabi; London; 1903.
- A. J. Copeland - Bridewell Royal Hospital, Past and Present; London; 1888.
- Corpus Juris Civilis, ed. Mommsen - Krueger - Kunkel; Berlin; 1954.
- G. G. Coulton - Chaucer and His England; 5th ed.; London; 1930.
- Coutumiers de Normandie; ed. Tardif; Paris; 1896.
- G. V. Cox - Recollections of Oxford; London; 1870.
- W. Crawford - Report on the Penitentiaries of the United States; Parl. Papers; 1834, XLVI.
- A. Crew - London Prisons of Today and Yesterday; London; 1933.
- A. S. Diamond - Primitive Law; London; 1935.
- C. Dickens - American Notes; London; 1842.
- Digest - see Corpus Juris Civilis.

- G.R. Driver and J.C. Miles - The Babylonian Laws; Oxford; 1952.
- M.M. Edel - The Chiga of W. Uganda; New York; 1957.
- W. Eden - Principles of Penal Law; 2nd ed.; London; 1771.
- W.A. Elkin - The English Penal System; Pelican; 1957.
- H. Ellis - ed. Brand's Popular Antiquities; London; 1841.
- Eulogium Historiarum; ed. F.S. Haydon; London; 1863.
- J. Evelyn - Diary and Correspondence; London; 1850.
- A. Fenner Brockway and S. Hobhouse - ed. English Prisons Today; London; 1922.
- Fleta - 2nd ed. London; 1685.
- W.D. Forsyth - Governor Arthur's Convict System; London; 1935.
- L.W. Fox - The English Prison and Borstal Systems; London; 1952.
- G.M. Fraser - The Lone Shieling; Aberdeen; 1908.
- E. Fry - Observations on the Visiting, Superintendence and Government of Female Prisoners; London; 1827.
- Elizabeth Fry, Memoir of the life of - ed. by two of her daughters; London; 1847.
- P. Gane - trans. U. Huber, Heedensdaegse Rechtsgeleertheyt; Durban; 1939.
- P. Gane - ed. Voet's Commentary on the Pandects; Durban; 1957.
- M. Gluckman - The Barotse of N. Rhodesia; Manchester; 1955.
- M. Gordon - Penal Discipline; London; 1922.
- A. Griffiths - Memorials of Millbank; London; 1884.
- A. Griffiths - Chronicles of Newgate; London; 1896.
- J. Grimm - Deutsche Rechtsalterthümer; Leipzig; 1922.
- M. Grunhut - Penal Reform; Oxford; 1948.
- J.J. Gurney - Notes on a Visit made to some of the Prisons in Scotland and the North of England in Company with Elizabeth Fry; London-Edinburgh; 1819.

- T. Hampe - Crime and Punishment in Germany; London; 1929.
- J. Hanway - The Defects of Police; London; 1775.
- R.H. Harper - The Code of Hammurabi; London; 1904.
- J. Henry - Who Lie in Gaol; London; 1952.
- H. Von Hentig - Die Strafe; Berlin; 1955.
- M.D. Hill - Suggestions for the Repression of Crime; London; 1857.
- J. Hill Burton - History of Scotland; Edinburgh; 1876.
- S. Hobhouse and A. Fenner Brockway - ed. English Prisons Today;
London; 1922.
- E.A. Hoebel - The Comanches; Oklahoma; 1952.
- C. Hose - Natural Man; London; 1926.
- J. Howard - An Account of Lazarettos; London; 1789.
- J. Howard - The State of the Prisons; 3rd ed.; London; 1784.
- U. Huber - Heedensdaegse Rechtsgeleertheyt; trans. P. Gane; Durban;
1939.
- D. Hume - Commentaries on the Law of Scotland; Edinburgh; 1844 ed.
- G. Ives - A History of Penal Methods; London; 1914.
- Justiciary Records, 1661-78 - ed. W.G. Scott-Moncrieff; Edinburgh;
1905.
- P. Karberry - Aboriginal Woman; London; 1939.
- W. Kennedy - Annals of Aberdeen; London; 1818.
- J. Kenrick - Ancient Egypt under the Pharoahs; London; 1850.
- J.F.S. King - ed. The Probation Service; London; 1958.
- A. Lang - History of Scotland; Edinburgh; 1900.
- Laws of Aethelbirht - Ancient Laws and Institutes of England;
Public Records; 1840.
- Laws of Aethelstan - ditto.
- Laws of Alfred - ditto.

- Laws of Cnut - Ancient Laws and Institutes of England; Public Records; 1840.
- Shane Leslie - Sir E. Ruggles-Brise; London; 1938.
- Liber Albus - trans. H.T. Riley; London; 1861.
- R.H. Lowie - Primitive Religion; New York; 1948.
- C. Lytton - Prisons and Prisoners; London; 1914.
- T.B. Macaulay - History of England; London; 1889.
- C. McCall - They Always Come Back; London; 1938.
- C. Mackay - Memoirs of extraordinary Popular Delusions; London; 1852.
- F.W. Maitland and F. Pollock - History of English Law; 2nd ed.; Cambridge; 1952.
- F.W. Maitland - ed. Bracton's Note Book; London; 1887.
- F.W. Maitland - ed. Select Pleas of the Crown; Seldon Soc.; London; 1888.
- B. Malinowski - Crime and Custom in Savage Society; London; 1926.
- Miss Sarah Martin, A brief Sketch of the Life of - 3rd ed.; London; 1845.
- A Prison Matron - Female Life in Prison; London; 1862.
- H. Mayhew - The Criminal Prisons of London, etc.; London; 1862.
- M. Mead - Sex and Temperament; London; 1935.
- J.C. Miles and G.R. Driver - The Babylonian Laws; Oxford; 1952.
- H.M. de Misson - Mémoires et Observations faites par un Voyageur en Angleterre; Hague; 1698.
- T. Mommsen - Römisches Strafrecht; Leipzig; 1899.
- S.F. Moore - Power and Property in Inca Peru; New York; 1958.
- Trial of Katherine Nairn - ed. W. Roughead; Edinburgh; 1926.
- J. Neild - State of the Prisons; London; 1812.
- G. Neilson - Trial by Combat; Glasgow; 1890.

Newgate Calendar; London; 1814.

Novellae - see Corpus Juris Civilis.

E. O'Brien - The Foundation of Australia; London; 1936.

B. O'Donnell - Should Women Hang? London; 1956.

H. Oppenheimer - The Rationale of Punishment; London; 1913.

L.O. Pike - A History of Crime in England; London; 1873.

R. Pitcairn - Criminal Trials in Scotland; Edinburgh; 1833.

Plato - The Laws.

Dr. Plot's Natural History of Oxfordshire; Oxford; 1676.

T. Plucknett - A Concise History of the Common Law; London; 1956.

F. Pollock and F.W. Maitland - History of English Law; 2nd ed.;
Cambridge; 1952.

W.H. Prescott - The Conquest of Mexico; London; 1843.

W.H. Prescott - The Conquest of Peru; London; 1878.

A. Prison Matron - Female Life in Prison; London; 1862.

Quoniam Attachamenta - Stair Soc., Edinburgh; 1947.

L. Radzinowicz - History of English Criminal Law; London; 1948.

Regiam Majestatem - Stair Soc., Edinburgh; 1947.

M.D. Rodkinson - The Babylonian Talmud; Boston; 1903.

C. Rogers - Scotland, Social and Domestic; London; 1869.

W. Roughead - ed. Trial of Katherine Nairn; Edinburgh; 1926.

E. Ruggles-Brise - The English Prison System; London; 1921.

R.G. Ryley Scott - History of Capital Punishment; London; 1950.

R. Scot - The Discovery of Witchcraft; London; 1665.

W.G. Scott-Moncrieff - ed. Justiciary Records, 1661-78; Edinburgh;
1905.

- R.G. Ryley Scott - History of Capital Punishment; London; 1950.
- Select Pleas of the Crown - ed. F.W. Maitland; Seldon Soc.; London; 1888.
- T. Sellin - Pioneering in Penology; London; 1944.
- Seneca - De Clementia.
- Seneca - Georgias.
- I. Shapera - Handbook of Tswana Law and Custom; London; 1955.
- C.K. Sharpe - Introduction to Law's Memorials; Edinburgh; 1818.
- M. Size - Prisons I have Known; London; 1957.
- Works of Rev. Sydney Smith; London; 1850.
- J.F. Stephen - History of Criminal Law of England; London; 1883.
- J. Stow - A Survey of London; London; 1603.
- J.L. Strachan-Davidson - Problems of the Roman Criminal Law; Oxford; 1912.
- E. Sutherland - Principles of Criminology; 4th ed.; Chicago; 1939.
- W. Sydney - England and the English in the 18th Century; London; 1891.
- P. Amaury Talbot - Tribes of the Niger Delta; London; 1932.
- Tacitus - Germania.
- W. Thom - History of Aberdeen; Aberdeen; 1811.
- C.J.S. Thompson - Poisons and Poisoners; London; 1931.
- J. Thrupp - The Anglo-Saxon Home; London; 1862.
- J. Timbs - Curiosities of London; London; 1868.
- J. Timpson - Memoirs of Mrs. Elizabeth Fry; London; 1847.
- N.M. Trenholme - The Right of Sanctuary in England; Univ. of Missouri Studies; 1903.
- S. Van Leeuwen - Commentaries on the Roman-Dutch Law; trans. J.G. Kotzé; London; 1886.
- J. Van der Linden - Institutes of the Laws of Holland; trans. J. Henry; Amsterdam; 1828.

- J.L. Vives - De subventionem Pauperum. Lud. Vivis Opera; Basle; 1555.
- Voet's Commentary on the Pandects - ed. P. Gane; Durban; 1957.
- C.L. Von Bar - History of Continental Criminal Law; London; 1916.
- H. Von Hentig - Die Strafe; Berlin; 1955.
- S. and B. Webb - English Prisons under Local Government; London; 1922.
- J. Whitney - Elizabeth Fry; London; 1937.
- William of Malmesbury - History of the Kings of England; trans. J. Sharpe; London; 1815.
- D. Wilson - The Archaeology and Prehistoric Annals of Scotland; Edinburgh; 1851.
- T. Wright - A History of Domestic Manners; London; 1862.

Articles

- M. Bassett - The Fleet Prison in the Middle Ages; Univ. of Toronto Journal, V (1943-4).
- D. Daube - Origen and the Punishment of Adultery in Jewish Law; Studia Patristica; 1957, II.
- F. Dawtry - Whither Probation; British Jour. of Delinquency, VIII, Jan. 1958.
- Encyclopedia Britannica, 14th ed. London-New York; 1929 - title, 'Duel,' Vol. 7.
- H. Fielding - Enquiry into the Causes of the late Increase of Robbers; Collected Works; London; 1762.
- Gentleman's Magazine - July, 1750; June, 1757.
- W. Hudson and J.C. Tingey - 'Orders for the Poor;' Records of the City of Norwich; 1910, II.
- Llewellyn Jewitt - On Scolds and how they Cured them; Notes on Ducking Stools and the Punishment of Ducking; The Pillory, and who they put in it; The Reliquary; London; Vol. I (1860-1).
- J. Kelley - Askham Grange - Open Prison for Women; Howard Jour. (1955), Vol. IX, No. 2.

- M.F. Lloyd-Prichard - Sarah Martin; Howard Jour. (1948-9), Vol. VII.
- F.J. Macrae - The English Probation Training System; British Jour. of Delinquency, VIII, Jan. 1958.
- Notes and Queries - May-Dec., 1850; Jan.-June, 1855; Jan.-June, 1856
- R.B. Pugh - The King's Prisons before 1250; Trans. of Royal Historical Soc.; Fifth Series; Vol. 5, London; 1955.
- J.C. Tingey and W. Hudson - Orders for the Poor; Records of the City of Norwich; Norwich; 1910, II.
- A. Van der Slice - Elizabethan Houses of Correction; Jour. of American Inst. of Criminal Law and Criminology; XXVII (1936-7).
- 63 Victoria History, 'Hants,' V; London; 1912.

Parliamentary Papers

Reports on Prisons in England and Wales

- Report of Inspectors of Millbank Prison, 1849 - Parl. Papers, 1850, XXIX.
- Report of Inspectors of Prisons of Great Britain, 1838 - P.P. 1837-8, XXX.
- Report of Directors of Convict Prisons, 1854 - P.P. 1854-5, XXV.
 ibid, 1855 - P.P. 1856, XXXV.
 ibid, 1856 - P.P. 1857, Sess. 2, XXIII.
 ibid, 1856 and 1857 - P.P. 1857-8, XXIX.
 ibid, 1858 - P.P. 1859, Sess. 2, XIII, Pt. I.
 ibid, 1859 - P.P. 1860, XXXV.
 ibid, 1861 - P.P. 1862, XXV.
 ibid, 1863 - P.P. 1864, XXVI.
 ibid, 1865 - P.P. 1866, XXXVIII.
 ibid, 1866 - P.P. 1867, XXXVI.
 ibid, 1869 - P.P. 1870, XXXVIII.
 ibid, 1870 - P.P. 1871, XXXI.
 ibid, 1871 - P.P. 1872, XXXI.
 ibid, 1872 - P.P. 1873, XXXIV.
 ibid, 1873 - P.P. 1874, XXX.
 ibid, 1877 - P.P. 1878, XLIII.
- First Report of Prison Commissioners - P.P. 1878, XLII.
- Report of Directors of Convict Prisons, 1878 - P.P. 1879, XXXV.
 ibid, 1879-80 - P.P. 1880, XXXVI.
 ibid, 1880-1 - P.P. 1881, LII.

ibid, 1881-2 - P.P. 1882, XXXIV.
 ibid, 1885-6 - P.P. 1886, XXXV.
 ibid, 1886-7 - P.P. 1887, XLI.
 ibid, 1888-9 - P.P. 1889, XLI.
 ibid, 1889-90 - P.P. 1890, XXXVII.
 ibid, 1892-3 - P.P. 1893-4, XLVII.

Report of Prison Commissioners and Directors of Convict Prisons,

1895-6 - P.P. 1896, XLIV.
 ibid, 1896-7 - P.P. 1897, XL.
 ibid, 1897-8 - P.P. 1898, XLVII.
 ibid, 1899-1900 - P.P. 1900, XLI.
 ibid, 1900-1 - P.P. 1902, XLV.
 ibid, 1901-2 - P.P. 1902, XLVI.
 ibid, 1902-3 - P.P. 1904, XXXV.
 ibid, 1903-4 - P.P. 1905, XXXVII.
 ibid, 1904-5 - P.P. 1906, L.
 ibid, 1905-6 - P.P. 1906, L.
 ibid, 1906-7 - P.P. 1908, LII.
 ibid, 1907-8 - P.P. 1908, LII.
 ibid, 1908-9 - P.P. 1909, XLV.
 ibid, 1909-10 - P.P. 1910, XLV.
 ibid, 1910-11 - P.P. 1911, XXXIX.
 ibid, 1911-12 - P.P. 1912-13, XLIII.
 ibid, 1912-13 - P.P. 1914, XLV.
 ibid, 1913-14 - P.P. 1914, XLV.
 ibid, 1914-15 - P.P. 1914-16, XXXIII.
 ibid, 1915-16 - P.P. 1916, XV.
 ibid, 1916-17 - P.P. 1917-18, XVIII.
 ibid, 1917-18 - P.P. 1918, XII.
 ibid, 1918-19 - P.P. 1919, XXVII.
 ibid, 1919-20 - P.P. 1920, XXIII.
 ibid, 1920-1 - P.P. 1921, XVI.
 ibid, 1921-2 - P.P. 1922, Sess. 2, II.
 ibid, 1922-3 - P.P. 1923, XII.
 ibid, 1923-4 - P.P. 1924-5, XV.
 ibid, 1924-5 - P.P. 1926, XV.
 ibid, 1925-6 - P.P. 1927, XII.
 ibid, 1926-7 - P.P. 1927, XII.
 ibid, 1927 - P.P. 1928-9, IX.
 ibid, 1928 - P.P. 1929-30, XVII.
 ibid, 1929 - P.P. 1930-1, XVI.
 ibid, 1930 - P.P. 1931-2, XII.
 ibid, 1931 - P.P. 1932-3, XV.
 ibid, 1932 - P.P. 1933-4, XV.
 ibid, 1933 - P.P. 1934-5, XI.
 ibid, 1934 - P.P. 1935-6, XIV.
 ibid, 1935 - P.P. 1936-7, XV.
 ibid, 1936 - P.P. 1937-8, XIV.
 ibid, 1937 - P.P. 1937-8, XIV.
 ibid, 1938 - P.P. 1939-40, V.
 ibid, 1939-41 - P.P. 1945-6, XIV.
 ibid, 1942-44 - P.P. 1946-7, XIV.
 ibid, 1945 - P.P. 1946-7, XIV.

- ibid, 1946 - P.P. 1947-8, XV.
- ibid, 1947 - P.P. 1947-8, XV.
- ibid, 1948 - P.P. 1948-9, XX.

Report of Prison Commissioners, 1949 - P.P. 1950-1, XVIII.

- ibid, 1950 - P.P. 1950-1, XVIII.
- ibid, 1951 - P.P. 1952-3, XVI.
- ibid, 1952 - P.P. 1952-3, XVI.
- ibid, 1953 - P.P. 1953-4, XVIII.
- ibid, 1954 - P.P. 1955-6, XXVII.
- ibid, 1955 - 1956, Cmd. 10.
- ibid, 1956 - 1957, Cmd. 322.
- ibid, 1957 - 1958, Cmd. 496.
- ibid, 1958 - 1959, Cmd. 825.
- ibid, 1959 - 1960, Cmd. 1117.

Reports on Prisons in Scotland

Report of Inspectors of Prisons for Scotland, 1839-40 - P.P. 1840, XXVI.

Report of Board of Directors, 1842 - P.P. 1843, XXVII.

- ibid, 1843 - P.P. 1844, XXVIII.
- ibid, 1844 - P.P. 1845, XXV.
- ibid, 1845 - P.P. 1846, XX.
- ibid, 1847 - P.P. 1847-8, XXXIV.
- ibid, 1849 - P.P. 1850, XXIX.
- ibid, 1851 - P.P. 1852, XXV.
- ibid, 1852 - P.P. 1852-3, LIII.
- ibid, 1853 - P.P. 1854, XXXII.
- ibid, 1854 - P.P. 1854-5, XXVI.
- ibid, 1855 - P.P. 1856, XXXV.
- ibid, 1857 - P.P. 1857-8, XXX.
- ibid, 1858 - P.P. 1859, XI.
- ibid, 1859 - P.P. 1860, XXXVI.

Report of Managers appointed under the Prisons (Scotland) Administration Act, for 1861 - P.P. 1862, XXV.

- ibid, 1862 - P.P. 1863, XXIV.
- ibid, 1864 - P.P. 1865, XXIII.
- ibid, 1865 - P.P. 1866, XXXVII.

Report of Prison Commissioners for Scotland, 1878-9 - P.P. 1878-9, XXXIV.

- ibid, 1886-7 - P.P. 1887, XLI.
- ibid, 1889-90 - P.P. 1890, XXXVII.
- ibid, 1896 - P.P. 1897, XL.
- ibid, 1902 - P.P. 1903, XXIX.
- ibid, 1903 - P.P. 1904, XXXVI.
- ibid, 1904 - P.P. 1905, XXXVII.
- ibid, 1905 - P.P. 1906, LI.
- ibid, 1908 - P.P. 1909, XLV.

ibid, 1909 - P.P. 1910, XLV.
 ibid, 1910 - P.P. 1911, XXXIX.
 ibid, 1911 - P.P. 1912-13, XLIII.
 ibid, 1912 - P.P. 1913, XXXVIII.
 ibid, 1913 - P.P. 1914, XLV.
 ibid, 1914 - P.P. 1914-16, XXXIII.
 ibid, 1916 - P.P. 1917-18, XVIII.
 ibid, 1917 - P.P. 1918, XII.
 ibid, 1919 - P.P. 1920, XXIII.
 ibid, 1920 - P.P. 1921, XVI.
 ibid, 1925 - P.P. 1926, XV.
 ibid, 1926 - P.P. 1927, XII.
 ibid, 1927 - P.P. 1928, XII.
 ibid, 1928 - P.P. 1928-9, IX.
 ibid, 1929 - P.P. 1929-30, XVII.
 ibid, 1930 - P.P. 1930-1, XVI.

Report of Prisons Department for Scotland, 1931 - P.P. 1931-2, XII.

ibid, 1932 - P.P. 1932-3, XV.
 ibid, 1933 - P.P. 1933-4, XV.
 ibid, 1934 - P.P. 1934-5, XI.
 ibid, 1935 - P.P. 1935-6, XIV.
 ibid, 1936 - P.P. 1936-7, XV.
 ibid, 1937 - P.P. 1937-8, XIV.
 ibid, 1938 - P.P. 1938-9, XIV.

Report by Scottish Home Department on Prisons in Scotland, 1939-48 -
P.P. 1948-9, XX.

ibid, 1949 - P.P. 1950, XIII.
 ibid, 1950 - P.P. 1950-1, XIX.
 ibid, 1951 - P.P. 1951-2, XVIII.
 ibid, 1952 - P.P. 1952-3, XVI.
 ibid, 1953 - P.P. 1953-4, XVIII.
 ibid, 1954 - P.P. 1954-5, VII.
 ibid, 1955 - 1956 Cmd. 9760.
 ibid, 1956 - 1957, Cmd. 164.
 ibid, 1957 - 1958, Cmd. 429.
 ibid, 1958 - 1959, Cmd. 765.

Second Report of the Directors of Convict Prisons for Ireland -
P.P. 1856, XXXIV.

Report of Inspectors under the Inebriate Acts, 1909 - P.P. 1911,
XXIX, Pt. I.

Reports of Select Committees

Report on the Penitentiaries of the United States - P.P. 1834, XLVI.

Report of Select Cttee. on Transportation - P.P. 1838, XXII.

Report of Select Cttee. on Gaols - P.P. 1850, XVII.

- Report of the Penal Servitude Acts Commissioners - P.P. 1863, XXI, Vol. I.
- Report of Departmental Cttee. on Prisons - P.P. 1895, LVI.
- Report to the Commissioners of Prisons on the Operations of Discharged Prisoners' Aid Societies - P.P. 1897, XL.
- Report of Departmental Cttee. on Scottish Prisons - P.P. 1900, XLII.
- Report of Departmental Cttee. on the Probation of Offenders Act, 1907 - P.P. 1910, XLV.
- Report of Departmental Cttee. on the Training, Appointment and Payment of Probation Officers - 1922, Cmd. 1601.
- Report of Departmental Cttee. on Persistent Offenders - 1932, Cmd. 4090.
- Report of Cttee. on the Employment of Prisoners, Pt. I, 1933, Cmd. 4462; Pt. II, 1935, Cmd. 4897.
- Report of Departmental Cttee. on the Social Services in Courts of Summary Jurisdiction - 1936, Cmd. 5122.
- Report of Cttee. to Review Punishments in Prisons, Borstal Institutions, Approved Schools and Remand Homes, Pts. I and II - P.P. 1950-1, XVIII.
- Report of Departmental Cttee. on Discharged Prisoners' Aid Societies - 1953, Cmd. 8879.
- Report of Cttee. on Homosexual Offences and Prostitution - 1957, Cmd. 247.

Reports of Advisory Councils

- Report of Advisory Council on the Treatment of Offenders - Alternatives to Short Terms of Imprisonment; H.M.S.O. 1957.
- Ibid - The After-Care and Supervision of Discharged Prisoners; H.M.S.O. 1958.
- Report by the Scottish Advisory Council on the Treatment and Rehabilitation of Offenders - The Scottish Borstal System; H.M.S.O. 1947.
- Ibid - The Scottish Prison System; H.M.S.O. 1949.